CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 930 & 947

AN ACT

To repeal sections 144.030, 144.805, 155.010, 233.155, 238.202, 238.207, 238.210, 301.010, 301.130, 302.010, 302.060, 302.177, 302.304, 302.309, 302.341, 302.525, 302.720, 302.735, 304.015, 304.130, 304.180, 304.230, 305.230, 577.023, 577.041, 577.600, 577.602, 577.612, and 590.050, RSMo, and to enact in lieu thereof fifty—two new sections relating to transportation, with penalty provisions and an effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 144.030, 144.805, 155.010, 233.155, 1 2 238.202, 238.207, 238.210, 301.010, 301.130, 302.010, 302.060, 3 302.177, 302.304, 302.309, 302.341, 302.525, 302.720, 302.735, 4 304.015, 304.130, 304.180, 304.230, 305.230, 577.023, 577.041, 577.600, 577.602, 577.612, and 590.050, RSMo, are repealed and 5 6 fifty-two new sections enacted in lieu thereof, to be known as 7 sections 144.030, 144.805, 155.010, 227.102, 227.103, 227.378, 227.397, 227.400, 233.155, 238.202, 238.207, 238.210, 301.010, 8 9 301.130, 302.010, 302.060, 302.177, 302.304, 302.309, 302.341, 10 302.525, 302.720, 302.735, 304.015, 304.032, 304.130, 304.180, 304.230, 304.232, 304.590, 305.230, 385.400, 385.403, 385.406, 11

- 1 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427,
- 2 385.430, 385.433, 385.436, 390.021, 390.372, 577.023, 577.041,
- 3 577.600, 577.602, 577.612, and 590.050, to read as follows:
- 4 144.030. 1. There is hereby specifically exempted from the
- 5 provisions of sections 144.010 to 144.525 and from the
- 6 computation of the tax levied, assessed or payable pursuant to
- 7 sections 144.010 to 144.525 such retail sales as may be made in
- 8 commerce between this state and any other state of the United
- 9 States, or between this state and any foreign country, and any
- 10 retail sale which the state of Missouri is prohibited from taxing
- 11 pursuant to the Constitution or laws of the United States of
- 12 America, and such retail sales of tangible personal property
- which the general assembly of the state of Missouri is prohibited
- 14 from taxing or further taxing by the constitution of this state.
- 15 2. There are also specifically exempted from the provisions
- of the local sales tax law as defined in section 32.085, RSMo,
- 17 section 238.235, RSMo, and sections 144.010 to 144.525 and
- 18 144.600 to 144.761 and from the computation of the tax levied,
- assessed or payable pursuant to the local sales tax law as
- defined in section 32.085, RSMo, section 238.235, RSMo, and
- 21 sections 144.010 to 144.525 and 144.600 to 144.745:
- 22 (1) Motor fuel or special fuel subject to an excise tax of
- 23 this state, unless all or part of such excise tax is refunded
- 24 pursuant to section 142.824, RSMo; or upon the sale at retail of
- fuel to be consumed in manufacturing or creating gas, power,
- 26 steam, electrical current or in furnishing water to be sold
- 27 ultimately at retail; or feed for livestock or poultry; or grain
- to be converted into foodstuffs which are to be sold ultimately

in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

- (2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;
- (3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or

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- 2 Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or 3 4 construction of such replacement machinery, equipment, and parts, 5 used directly in manufacturing, mining, fabricating or producing 6 a product which is intended to be sold ultimately for final use 7 or consumption; and machinery and equipment, and the materials 8 and supplies required solely for the operation, installation or 9 construction of such machinery and equipment, purchased and used 10 to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of 11 12 this subdivision, a "material recovery processing plant" means a 13 facility that has as its primary purpose the recovery of 14 materials into a useable product or a different form which is 15 used in producing a new product and shall include a facility or 16 equipment which are used exclusively for the collection of 17 recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on 18 19 highways. For purposes of this section, the terms motor vehicle 20 and highway shall have the same meaning pursuant to section 21 301.010, RSMo. Material recovery is not the reuse of materials 22 within a manufacturing process or the use of a product previously 23 recovered. The material recovery processing plant shall qualify 24 under the provisions of this section regardless of ownership of 25 the material being recovered;
 - (5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish

- 1 new or to expand existing manufacturing, mining or fabricating
- 2 plants in the state if such machinery and equipment is used
- 3 directly in manufacturing, mining or fabricating a product which
- 4 is intended to be sold ultimately for final use or consumption;
- 5 (6) Tangible personal property which is used exclusively in
- 6 the manufacturing, processing, modification or assembling of
- 7 products sold to the United States government or to any agency of
- 8 the United States government;
- 9 (7) Animals or poultry used for breeding or feeding
- 10 purposes;
- 11 (8) Newsprint, ink, computers, photosensitive paper and
- 12 film, toner, printing plates and other machinery, equipment,
- replacement parts and supplies used in producing newspapers
- 14 published for dissemination of news to the general public;
- 15 (9) The rentals of films, records or any type of sound or
- 16 picture transcriptions for public commercial display;
- 17 (10) Pumping machinery and equipment used to propel
- 18 products delivered by pipelines engaged as common carriers;
- 19 (11) Railroad rolling stock for use in transporting persons
- or property in interstate commerce and motor vehicles licensed
- 21 for a gross weight of twenty-four thousand pounds or more or
- trailers used by common carriers, as defined in section 390.020,
- 23 RSMo, in the transportation of persons or property;
- 24 (12) Electrical energy used in the actual primary
- 25 manufacture, processing, compounding, mining or producing of a
- 26 product, or electrical energy used in the actual secondary
- 27 processing or fabricating of the product, or a material recovery
- 28 processing plant as defined in subdivision (4) of this

total cost of electrical energy so used exceeds ten percent of
the total cost of production, either primary or secondary,
exclusive of the cost of electrical energy so used or if the raw
materials used in such processing contain at least twenty-five
percent recovered materials as defined in section 260.200, RSMo.

subsection, in facilities owned or leased by the taxpayer, if the

- 7 There shall be a rebuttable presumption that the raw materials
- 8 used in the primary manufacture of automobiles contain at least
- 9 twenty-five percent recovered materials. For purposes of this
- 10 subdivision, "processing" means any mode of treatment, act or
- series of acts performed upon materials to transform and reduce
- them to a different state or thing, including treatment necessary
- 13 to maintain or preserve such processing by the producer at the
- 14 production facility;

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- 15 (13) Anodes which are used or consumed in manufacturing, 16 processing, compounding, mining, producing or fabricating and 17 which have a useful life of less than one year;
 - or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;
 - (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating

- or monitoring water pollution, and materials and supplies solely
- 2 required for the installation, construction or reconstruction of
- 3 such machinery, equipment, appliances and devices, and so
- 4 certified as such by the director of the department of natural
- 5 resources, except that any action by the director pursuant to
- 6 this subdivision may be appealed to the Missouri clean water
- 7 commission which may uphold or reverse such action;

- (16) Tangible personal property purchased by a rural water district;
 - (17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;
 - devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home

respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

- (19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;
- or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education

supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

- educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;
 - (22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and electricity used by an eligible new generation cooperative or an eligible new generation processing entity as defined in section 348.432, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which,

- 1 when mixed with feed for livestock or poultry, is to be used in
- 2 the feeding of livestock or poultry. As used in this
- 3 subdivision, the term "pesticides" includes adjuvants such as
- 4 crop oils, surfactants, wetting agents and other assorted
- 5 pesticide carriers used to improve or enhance the effect of a
- 6 pesticide and the foam used to mark the application of pesticides
- 7 and herbicides for the production of crops, livestock or poultry.
- 8 As used in this subdivision, the term "farm machinery and
- 9 equipment" means new or used farm tractors and such other new or
- 10 used farm machinery and equipment and repair or replacement parts
- 11 thereon, and supplies and lubricants used exclusively, solely,
- and directly for producing crops, raising and feeding livestock,
- fish, poultry, pheasants, chukar, quail, or for producing milk
- for ultimate sale at retail, including field drain tile, and
- one-half of each purchaser's purchase of diesel fuel therefor
- 16 which is:
- 17 (a) Used exclusively for agricultural purposes;
- 18 (b) Used on land owned or leased for the purpose of
- 19 producing farm products; and
- 20 (c) Used directly in producing farm products to be sold
- 21 ultimately in processed form or otherwise at retail or in
- 22 producing farm products to be fed to livestock or poultry to be
- 23 sold ultimately in processed form at retail;
- 24 (23) Except as otherwise provided in section 144.032, all
- 25 sales of metered water service, electricity, electrical current,
- 26 natural, artificial or propane gas, wood, coal or home heating
- 27 oil for domestic use and in any city not within a county, all
- 28 sales of metered or unmetered water service for domestic use:

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

- Regulated utility sellers shall determine whether (b) individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;
 - (c) Each person making domestic use purchases of services

or property and who uses any portion of the services or property 1 2 so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without 3 4 assessment, notice or demand, file a return and pay sales tax on 5 that portion of nondomestic purchases. Each person making 6 nondomestic purchases of services or property and who uses any 7 portion of the services or property so purchased for domestic 8 use, and each person making domestic purchases on behalf of 9 occupants of residential apartments or condominiums through a 10 single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility 11 12 service rate classification may, between the first day of the 13 first month and the fifteenth day of the fourth month following 14 the year of purchase, apply for credit or refund to the director 15 of revenue and the director shall give credit or make refund for 16 taxes paid on the domestic use portion of the purchase. 17 person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to 18 19 apply to the director of revenue for such credit or refund; 20

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

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(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to

- 1 eliminate all state and local sales taxes on such excise taxes;
- 2 (26) Sales of fuel consumed or used in the operation of
- 3 ships, barges, or waterborne vessels which are used primarily in
- 4 or for the transportation of property or cargo, or the conveyance
- of persons for hire, on navigable rivers bordering on or located
- 6 in part in this state, if such fuel is delivered by the seller to
- 7 the purchaser's barge, ship, or waterborne vessel while it is
- 8 afloat upon such river;
- 9 (27) All sales made to an interstate compact agency created
- 10 pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010
- 11 to 238.100, RSMo, in the exercise of the functions and activities
- of such agency as provided pursuant to the compact;
- 13 (28) Computers, computer software and computer security
- 14 systems purchased for use by architectural or engineering firms
- 15 headquartered in this state. For the purposes of this
- 16 subdivision, "headquartered in this state" means the office for
- 17 the administrative management of at least four integrated
- 18 facilities operated by the taxpayer is located in the state of
- 19 Missouri;
- 20 (29) All livestock sales when either the seller is engaged
- in the growing, producing or feeding of such livestock, or the
- seller is engaged in the business of buying and selling,
- 23 bartering or leasing of such livestock;
- 24 (30) All sales of barges which are to be used primarily in
- 25 the transportation of property or cargo on interstate waterways;
- 26 (31) Electrical energy or gas, whether natural, artificial
- 27 or propane, water, or other utilities which are ultimately
- 28 consumed in connection with the manufacturing of cellular glass

- products or in any material recovery processing plant as defined in subdivision (4) of this subsection;
- (32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

- (33) Tangible personal property and utilities purchased for use or consumption directly or exclusively in the research and development of agricultural/biotechnology and plant genomics products and prescription pharmaceuticals consumed by humans or animals;
- (34) All sales of grain bins for storage of grain for resale;
 - (35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;
 - (36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any

- 1 reason and the contractor has accepted the certificate in good
- 2 faith, neither the contractor or the exempt entity shall be
- 3 liable for the payment of any taxes, interest and penalty due as
- 4 the result of use of the invalid exemption certificate.
- 5 Materials shall be exempt from all state and local sales and use
- 6 taxes when purchased by a contractor for the purpose of
- 7 fabricating tangible personal property which is used in
- 8 fulfilling a contract for the purpose of constructing, repairing
- 9 or remodeling facilities for the following:
- 10 (a) An exempt entity located in this state, if the entity
- is one of those entities able to issue project exemption
- certificates in accordance with the provisions of section
- 13 144.062; or
- 14 (b) An exempt entity located outside the state if the
- 15 exempt entity is authorized to issue an exemption certificate to
- 16 contractors in accordance with the provisions of that state's law
- and the applicable provisions of this section;
- 18 (37) All sales or other transfers of tangible personal
- 19 property to a lessor who leases the property under a lease of one
- year or longer executed or in effect at the time of the sale or
- 21 other transfer to an interstate compact agency created pursuant
- 22 to sections 70.370 to 70.441, RSMo, or sections 238.010 to
- 23 238.100, RSMo;
- 24 (38) Sales of tickets to any collegiate athletic
- 25 championship event that is held in a facility owned or operated
- by a governmental authority or commission, a quasi-governmental
- 27 agency, a state university or college or by the state or any
- 28 political subdivision thereof, including a municipality, and that

- 1 is played on a neutral site and may reasonably be played at a
- 2 site located outside the state of Missouri. For purposes of this
- 3 subdivision, "neutral site" means any site that is not located on
- 4 the campus of a conference member institution participating in
- 5 the event;
- 6 (39) All purchases by a sports complex authority created
- 7 under section 64.920, RSMo;
- 8 (40) Beginning January 1, 2009, but not after January 1,
- 9 2015, materials, replacement parts, and equipment purchased for
- 10 use directly upon, and for the modification, replacement, repair,
- 11 and maintenance of aircraft, aircraft power plants, and aircraft
- 12 accessories.
- 13 144.805. 1. In addition to the exemptions granted pursuant
- to the provisions of section 144.030, there shall also be
- specifically exempted from the provisions of sections 144.010 to
- 16 144.525, sections 144.600 to 144.748, and section 238.235, RSMo,
- and the provisions of any local sales tax law, as defined in
- 18 section 32.085, RSMo, and from the computation of the tax levied,
- assessed or payable pursuant to sections 144.010 to 144.525,
- 20 sections 144.600 to 144.748, and section 238.235, RSMo, and the
- 21 provisions of any local sales tax law, as defined in section
- 22 32.085, RSMo, all sales of aviation jet fuel in a given calendar
- year to common carriers engaged in the interstate air
- transportation of passengers and cargo, and the storage, use and
- consumption of such aviation jet fuel by such common carriers, if
- 26 such common carrier has first paid to the state of Missouri, in
- 27 accordance with the provisions of this chapter, state sales and
- use taxes pursuant to the foregoing provisions and applicable to

- the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five
- 3 hundred thousand dollars of state sales and use taxes in such 4 calendar year.
- 5 2. To qualify for the exemption prescribed in subsection 1 6 of this section, the common carrier shall furnish to the seller a 7 certificate in writing to the effect that an exemption pursuant 8 to this section is applicable to the aviation jet fuel so 9 purchased, stored, used and consumed. The director of revenue 10 shall permit any such common carrier to enter into a direct-pay 11 agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any 12 13 applicable sales and use taxes on such aviation jet fuel up to 14 the maximum aggregate amount of one million five hundred thousand 15 dollars in each calendar year. The director of revenue shall 16 adopt appropriate rules and regulations to implement the 17 provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar 18 19 year 1993 or any subsequent year with respect to any such common 20 carrier and aviation jet fuel.
 - 3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

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4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section [305.230]

- 1 155.090, RSMo; provided however, the amount of such state sales
- 2 and use tax revenues deposited to the credit of such aviation
- 3 trust fund shall not exceed [six] ten million dollars in each
- 4 calendar year.
- 5. The provisions of this section and section 144.807 shall expire on December 31, 2013.
- 7 155.010. As used in this chapter, the following terms mean:
- 8 (1) "Aircraft", any contrivance now known, or hereafter
- 9 invented, used or designed for navigation of, or flight in, the
- 10 air;
- 11 (2) "Airline company", any person, firm, partnership,
- 12 corporation, trustee, receiver or assignee, and all other
- persons, whether or not in a representative capacity, undertaking
- 14 to engage in the carriage of persons or cargo for hire by
- 15 commercial aircraft pursuant to certificates of convenience and
- 16 necessity issued by the federal Civil Aeronautics Board, or
- 17 successor thereof, or any noncertificated air carrier authorized
- to engage in irregular and infrequent air transportation by the
- 19 federal Civil Aeronautics Board, or successor thereof;
- 20 (3) "Aviation fuel", any fuel specifically compounded for
- 21 use in reciprocating aircraft engines;
- 22 (4) "Commercial aircraft", aircraft fully equipped for
- 23 flight and of more than [seven] <u>three</u> thousand pounds maximum
- 24 certified gross take-off weight.
- 25 <u>227.102.</u> 1. Notwithstanding any other provision of law to
- the contrary, the commission is authorized to receive bids and
- 27 bid bonds for any contract for construction, maintenance, repair,
- or improvement of any bridge or highway on the state highway

- 1 system electronically via the Internet. Such electronically
- 2 submitted bids and bid bonds shall contain digital signatures and
- 3 seals, and all other required bid information and certifications,
- 4 in accordance with commission administrative rules, sections
- 5 432.200 to 432.295, RSMo, and with any applicable federal
- 6 competitive bidding requirements. At its discretion, the
- 7 commission may elect to receive both electronic and paper bids,
- 8 or the commission may specify electronic bidding exclusively for
- 9 any proposed contract.
- 10 2. Any electronic bidding program or service implemented by
- 11 <u>the commission and the electronic bid and bid bond vendor shall</u>
- meet the following criteria, at a minimum:
- 13 (1) Each bidder must be able to transmit an electronic bid
- and bid bond securely and confidentially through bid encryption
- or other protection measures;
- 16 (2) Each bidder must receive prompt confirmation of the
- timely electronic filing of the bidder's bid and bid bond;
- 18 (3) Each bidder must be able to withdraw or replace the
- bidder's filed electronic bid and bid bond prior to the time bids
- 20 are opened;
- 21 (4) Each bid filed electronically must be inaccessible or
- 22 unreadable to all others except for the bidder prior to the time
- 23 bids are opened;
- 24 (5) The portal for filing bids must have a mechanism to
- 25 block any additional bids or modifications to bids when bids are
- scheduled to be opened; and
- 27 (6) Commission representatives and officials of the
- department of transportation must have full and immediate access

- 1 to the bids and bid bonds at the time bids are designated to be
- 2 opened, but not prior to that time.
- 3. The commission is authorized to promulgate
- 4 administrative rules to administer the provisions in this
- 5 section. Any rule or portion of a rule, as that term is defined
- 6 in section 536.010, RSMo, that is created under the authority
- 7 delegated in this section shall become effective only if it
- 8 complies with and is subject to all of the provisions of chapter
- 9 536, RSMo, and, if applicable, section 536.028, RSMo. This
- section and chapter 536, RSMo, are nonseverable and if any of the
- powers vested with the general assembly pursuant to chapter 536,
- 12 RSMo, to review, to delay the effective date, or to disapprove
- and annul a rule are subsequently held unconstitutional, then the
- 14 grant of rulemaking authority and any rule proposed or adopted
- after August 28, 2008, shall be invalid and void.
- 16 227.103. 1. Notwithstanding any other provision of law to
- the contrary, the commission is authorized to accept an annual
- 18 bid bond for its construction and maintenance projects. The
- 19 commission shall prescribe the form and content of an annual bid
- 20 bond under the provisions set forth in the Missouri standard
- 21 <u>specifications for highway construction</u>, or its successor.
- 22 2. The commission is authorized to promulgate
- 23 <u>administrative rules to administer the provisions of this</u>
- section. Any rule or portion of a rule, as that term is defined
- in section 536.010, RSMo, that is created under the authority
- delegated in this section shall become effective only if it
- complies with and is subject to all of the provisions of chapter
- 28 <u>536, RSMo, and, if applicable, section 536.028, RSMo. This</u>

- 1 section and chapter 536, RSMo, are nonseverable and if any of the
- 2 powers vested with the general assembly pursuant to chapter 536,
- RSMo, to review, to delay the effective date, or to disapprove
- 4 and annul a rule are subsequently held unconstitutional, then the
- 5 grant of rulemaking authority and any rule proposed or adopted
- 6 <u>after August 28, 2008, shall be invalid and void.</u>
- 7 227.378. The Table Rock Lake bridge on Highway 39 in the
- 8 census designated place with more than one thousand three hundred
- 9 but fewer than one thousand four hundred inhabitants and
- 10 partially located in any county of the third classification
- without a township form of government and with more than
- 12 <u>thirty-four thousand but fewer than thirty-four thousand one</u>
- hundred inhabitants shall be designated the "State Senator Larry
- Gene Taylor Memorial Bridge".
- 15 227.397. The portion of Interstate 55 in Jefferson County
- 16 from the intersection of highway M to a point one mile south
- shall be designated the "Jeff McBride Memorial Highway". The
- department of transportation shall erect and maintain appropriate
- signs designating such highway, with the costs to be paid for by
- 20 private donations.
- 21 227.400. The portion of Interstate 44 from mile marker 280
- 22 to mile marker 282 in St. Louis County shall be designated the
- 23 "Police Officer Robert Stanze Memorial Highway". The department
- of transportation shall erect and maintain appropriate signs
- designating such highway, with the costs to be paid for by
- 26 private donation.
- 27 233.155. 1. Whenever the inhabitants of any special road
- district already formed under sections 233.010 to 233.165 shall

1 desire to extend the boundaries of such district to take in 2 territory not included in the original district, and shall present a petition to the county commission of the county in 3 which such district is located, or if the proposed district is to 5 include portions of more than one county, then to the county 6 commissions of each of such counties, signed by not less than 7 thirty-five voters in the old district and not less then fifty 8 percent of the voters in the territory proposed to be taken into 9 said district, asking the county commission or commissions of 10 such county or counties to submit the proposition of the proposed extension of such road district to a vote of the people of such 11 12 proposed district for their adoption or rejection, the county 13 commission of such county, or if the proposed district shall 14 include parts of more than one county, the county commissions of 15 all such counties, shall each make an order of record that the 16 proposed extension of said road district under the provisions of 17 this section, describing the same by its title and the date of 18 its approval, and describing the boundaries of the district as 19 proposed to be extended, be submitted to the voters of such 20 proposed road district.

2. The question shall be submitted in substantially the following form:

Shall the special road district be extended?

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3. If the territory of more than one county be included in said special road district, the county commission of each county in said district shall, as soon as the returns are in from said election, cause a certificate to be made out stating the number of votes cast for and against said proposition in said county,

and cause such certificate to be filed with the county clerk of the county commission of every other county which shall form a part of said special road district. If it shall appear from the returns of said county and from said certificate that a majority of the votes cast upon the proposition in the whole proposed district be in favor of the extension of said road district, the county commission or county commissions in said proposed district shall declare the result of the vote thereon in said proposed district by an order of record, and shall make an order of record that the above specified road district laws shall extend to and be the law in such special road district, including the extension thereof, setting out the boundaries of said district as extended, the same to take effect and be in force from and after a day to be named in such order, said day to be not more than twenty days after said election.

4. If any territory added to any such original district be in any county outside of the county of such original district, each county outside of such original district may appoint one road commissioner to act with the commissioners appointed in the county of the original district. Such commissioners so appointed outside of the county of the original district shall serve for a term of three years from the date of such appointment, and until their successors shall be appointed and qualified. Such commissioners shall be voters of such added territory in such county of their appointment. Except as herein provided, such commissioners shall be governed by sections 233.010 to 233.165. No change shall be made in the number of commissioners appointed by the county of the original district or in the manner of their

- 1 appointment. In any special road district located in two
- 2 counties with an additional fourth commissioner appointed by the
- 3 county outside of the original district as provided in this
- 4 subsection, a fifth commissioner may be appointed by the same
- 5 county that appointed the fourth commissioner. Except as herein
- 6 provided, a fifth commissioner shall be governed by sections
- 7 233.010 to 233.165, shall serve for a term of three years from
- 8 the date of the appointment and until the fifth commissioner's
- 9 successor shall be appointed and qualified, and shall be a voter
- of the county of appointment.
- 11 5. If a majority of the votes of the proposed district, as
- 12 extended, be cast in favor of such extension, then the territory
- of such district, as extended, shall be governed by sections
- 233.010 to 233.165. But if such extension proposition shall not
- 15 receive a majority of the votes of said district, as extended,
- then said special road district shall remain as it was before
- 17 said petition was filed. Any special road district extended
- 18 under the provisions of this section may be extended so that
- 19 after such extension it shall not be more than seventeen miles
- 20 square.
- 21 238.202. 1. As used in sections 238.200 to 238.275, the
- 22 following terms mean:
- 23 (1) "Board", the board of directors of a district;
- 24 (2) "Commission", the Missouri highways and transportation
- 25 commission;
- 26 (3) "District", a transportation development district
- organized under sections 238.200 to 238.275;
- 28 (4) "Local transportation authority", a county, city, town,

- 1 village, county highway commission, special road district,
- 2 interstate compact agency, or any local public authority or
- 3 political subdivision having jurisdiction over any bridge,
- 4 street, highway, dock, wharf, ferry, lake or river port, airport,
- 5 railroad, light rail or other transit improvement or service;
- 6 (5) "Project" includes any bridge, street, road, highway,
- 7 access road, interchange, intersection, signing, signalization,
- 8 parking lot, bus stop, station, garage, terminal, hangar,
- 9 shelter, rest area, dock, wharf, lake or river port, airport,
- 10 railroad, light rail, or other mass transit and any similar or
- 11 related improvement or infrastructure.
- 12 2. For the purposes of sections 11(c), 16 and 22 of article
- 13 X of the Constitution of Missouri, section 137.073, RSMo, and as
- used in sections 238.200 to 238.275, the following terms shall
- 15 have the meanings given:
- 16 (1) "Approval of the required majority" or "direct voter
- 17 approval", a simple majority;
- 18 (2) "Qualified electors", "qualified voters" or
- 19 "voters"[,]:
- 20 (a) Within [the] a proposed or established district, except
- 21 for a district proposed under subsection 1 of section 238.207,
- 22 any persons residing therein who have registered to vote pursuant
- 23 to chapter 115, RSMo[, and]; or
- 24 (b) Within a district proposed or established under
- 25 subsection 1 of section 238.207 which has no persons residing
- therein who have registered to vote pursuant to chapter 115,
- 27 RSMo, the owners of record of all real property located in the
- 28 district, who shall receive one vote per acre, provided that

- 1 [any] <u>if a registered voter [who also owns property] subsequent</u>
- 2 to the creation of the district becomes a resident within the
- 3 district and obtains ownership of property within the district,
- 4 <u>such registered voter</u> must elect whether to vote as an owner <u>of</u>
- 5 <u>real property</u> or <u>as</u> a registered voter, <u>which election once made</u>
- 6 <u>cannot thereafter be changed;</u>
- 7 (3) "Registered voters", persons qualified and registered 8 to vote pursuant to chapter 115, RSMo.
- 9 238.207. 1. Whenever the creation of a district is
- desired, not less than fifty registered voters from each county
- 11 partially or totally within the proposed district may file a
- 12 petition requesting the creation of a district. However, if no
- persons eligible to be registered voters reside within the
- 14 district, the owners of record of all of the real property,
- 15 except public streets, located within the proposed district may
- 16 file a petition requesting the creation of a district. The
- 17 petition shall be filed in the circuit court of any county
- partially or totally within the proposed district.
- 19 2. Alternatively, the governing body of any local
- 20 transportation authority within any county in which a proposed
- 21 project may be located may file a petition in the circuit court
- of that county, requesting the creation of a district.
- 23 3. The proposed district area shall be contiguous and may
- 24 contain all or any portion of one or more municipalities and
- 25 counties; provided:
- 26 (1) Property separated only by public streets, easements or
- 27 rights-of-way shall be considered contiguous;
- 28 (2) In the case of a district formed pursuant to a petition

- filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:
- 4 (a) The petition provides that the only funding method for project costs will be a sales tax;
 - (b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and
 - (c) Each parcel within the district is within five miles of every other parcel; and
 - (3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.
 - 4. The petition shall set forth:

- (1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;
 - (2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;
 - (3) A specific description of the proposed district

- 1 boundaries including a map illustrating such boundaries;
- 2 (4) A general description of each project proposed to be
- 3 undertaken by that district, including a description of the
- 4 approximate location of each project;

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- (5) The estimated project costs and the anticipated revenues to be collected from the project;
- (6) The name of the proposed district;
- 8 (7) The number of members of the board of directors of the 9 proposed district, which shall be not less than five or more than 10 fifteen;
- 11 (8) A statement that the terms of office of initial board 12 members shall be staggered in approximately equal numbers to 13 expire in one, two or three years;
 - (9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;
 - (10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and
 - (11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

- 5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.
 - (2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.
 - (3) The petition shall set forth:

- (a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;
- (b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint

- 1 establishment of the district shall be attached to the petition;
- 2 (c) The name and address of each respondent. Respondents
- 3 must include the commission and each affected local
- 4 transportation authority within the proposed district, except a
- 5 petitioning local transportation authority;
- 6 (d) A specific description of the proposed district 7 boundaries including a map illustrating such boundaries;
- 8 (e) A general description of each project proposed to be 9 undertaken by the district, including a description of the
- 10 approximate location of each project;

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- 11 (f) The name of the proposed district;
- 12 (g) The number of members of the board of directors of the proposed district;
- (h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district

to develop the projects described in the petition;

- (i) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and
- (j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.
- 28 238.210. 1. Within thirty days after the petition is

filed, the circuit court clerk shall serve a copy of the petition on the respondents who shall have thirty days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. If any respondent files its answer opposing the creation of the district, it shall recite legal reasons why the petition is defective, why the proposed district is illegal or unconstitutional, or why the proposed method for funding the district is illegal or unconstitutional. respondent shall ask the court for a declaratory judgment respecting these issues. The answer of each respondent shall be served on each petitioner and every other respondent named in the petition. Any resident, taxpayer, any other entity, or any local transportation authority within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a declaratory judgment respecting these same issues within thirty days after the date notice is last published by the circuit clerk.

2. The court shall hear the case without a jury. If the court shall thereafter determine the petition is defective or the proposed district is illegal or unconstitutional, or shall be an undue burden on any owner of property within the district or is unjust and unreasonable, it shall enter its declaratory judgment to that effect and shall refuse to make the certifications requested in the pleadings. If the court determines that any proposed funding method is illegal or unconstitutional, it shall enter its judgment striking that funding method in whole or part. If the court determines the petition is not legally defective and the proposed district and method of funding are neither illegal

- nor unconstitutional, the court shall enter its judgment to that 1 2 effect. If the petition was filed by registered voters or by a governing body, the court shall then certify the questions 3 regarding district creation, project development, and proposed 4 5 funding for voter approval. If the petition was filed by a 6 governing body, or by no less than fifty registered voters of two 7 or more counties, pursuant to subsection 5 of section 238.207, 8 the court shall then certify the single question regarding 9 district creation, project development, and proposed funding for 10 voter approval. If the petition was filed by the owners of record of all of the real property located within the proposed 11 12 district, the court shall declare the district organized and 13 certify the funding methods stated in the petition for qualified 14 voter approval; provided, however, the funding method of special 15 assessments may also be approved as provided in subsection 1 of 16 section 238.230. In either case, if no objections to the 17 petition are timely filed, the court may make such certifications 18 based upon the pleadings before it without any hearing.
 - 3. Any party having filed an answer or petition may appeal the circuit court's order or declaratory judgment in the same manner provided for other appeals. The circuit court shall have continuing jurisdiction to enter such orders as are required for the administration of the district after its formation.

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- 301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:
 - (1) "All-terrain vehicle", any motorized vehicle
 manufactured and used exclusively for off-highway use which is

- 1 fifty inches or less in width, with an unladen dry weight of one
- 2 thousand pounds or less, traveling on three, four or more low
- 3 pressure tires, with a seat designed to be straddled by the
- 4 operator, or with a seat designed to carry more than one person,
- 5 and handlebars for steering control;
- 6 (2) "Automobile transporter", any vehicle combination
 7 designed and used specifically for the transport of assembled
- 8 motor vehicles;
- 9 (3) "Axle load", the total load transmitted to the road by
- 10 all wheels whose centers are included between two parallel
- 11 transverse vertical planes forty inches apart, extending across
- 12 the full width of the vehicle;
- 13 (4) "Boat transporter", any vehicle combination designed
- and used specifically to transport assembled boats and boat
- 15 hulls;
- 16 (5) "Body shop", a business that repairs physical damage on
- motor vehicles that are not owned by the shop or its officers or
- 18 employees by mending, straightening, replacing body parts, or
- 19 painting;
- 20 (6) "Bus", a motor vehicle primarily for the transportation
- of a driver and eight or more passengers but not including
- 22 shuttle buses;
- 23 (7) "Commercial motor vehicle", a motor vehicle designed or
- 24 regularly used for carrying freight and merchandise, or more than
- eight passengers but not including vanpools or shuttle buses;
- 26 (8) "Cotton trailer", a trailer designed and used
- 27 exclusively for transporting cotton at speeds less than forty
- 28 miles per hour from field to field or from field to market and

1 return;

- 2 (9) "Dealer", any person, firm, corporation, association,
 3 agent or subagent engaged in the sale or exchange of new, used or
 4 reconstructed motor vehicles or trailers;
- 5 (10) "Director" or "director of revenue", the director of the department of revenue;
- 7 (11) "Driveaway operation":
 - (a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
 - (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or
 - (c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;
 - (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor

- 1 equipped with a dromedary may carry part of a load when operating
- 2 independently or in a combination with a semitrailer;
- 3 (13) "Farm tractor", a tractor used exclusively for
- 4 agricultural purposes;
- 5 (14) "Fleet", any group of ten or more motor vehicles owned
- 6 by the same owner;
- 7 (15) "Fleet vehicle", a motor vehicle which is included as
- 8 part of a fleet;
- 9 (16) "Fullmount", a vehicle mounted completely on the frame
- of either the first or last vehicle in a saddlemount combination;
- 11 "Gross weight", the weight of vehicle and/or vehicle
- 12 combination without load, plus the weight of any load thereon;
- 13 (18) "Hail-damaged vehicle", any vehicle, the body of which
- has become dented as the result of the impact of hail;
- 15 (19) "Highway", any public thoroughfare for vehicles,
- 16 including state roads, county roads and public streets, avenues,
- boulevards, parkways or alleys in any municipality;
- 18 (20) "Improved highway", a highway which has been paved
- 19 with gravel, macadam, concrete, brick or asphalt, or surfaced in
- such a manner that it shall have a hard, smooth surface;
- 21 (21) "Intersecting highway", any highway which joins
- 22 another, whether or not it crosses the same;
- 23 (22) "Junk vehicle", a vehicle which is incapable of
- 24 operation or use upon the highways and has no resale value except
- as a source of parts or scrap, and shall not be titled or
- 26 registered;
- 27 (23) "Kit vehicle", a motor vehicle assembled by a person
- other than a generally recognized manufacturer of motor vehicles

- by the use of a glider kit or replica purchased from an
 authorized manufacturer and accompanied by a manufacturer's
- 3 statement of origin;
- 4 (24) "Land improvement contractors' commercial motor
 5 vehicle", any not-for-hire commercial motor vehicle the operation
 6 of which is confined to:
 - (a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or
 - (b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

- Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;
- vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property

- 1 transported to any such farm is for use in the operation of such
 2 farm;
- 3 "Local log truck", a commercial motor vehicle which is 4 registered pursuant to this chapter to operate as a motor vehicle 5 on the public highways of this state, used exclusively in this 6 state, used to transport harvested forest products, operated 7 solely at a forested site and in an area extending not more than a one hundred-mile radius from such site, carries a load with 8 9 dimensions not in excess of twenty-five cubic yards per two axles 10 with dual wheels, and when operated on the national system of interstate and defense highways described in Title 23, Section 11 103(e) of the United States Code, such vehicle shall not exceed 12 the weight limits of section 304.180, RSMo, does not have more 13 14 than four axles, and does not pull a trailer which has more than 15 two axles. Harvesting equipment which is used specifically for 16 cutting, felling, trimming, delimbing, debarking, chipping, 17 skidding, loading, unloading, and stacking may be transported on a local log truck. A local log truck may not exceed the limits 18 19 required by law, however, if the truck does exceed such limits as 20 determined by the inspecting officer, then notwithstanding any 21 other provisions of law to the contrary, such truck shall be 22 subject to the weight limits required by such sections as 23 licensed for eighty thousand pounds;
 - which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than

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- a one hundred-mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in section 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has more than two axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220, RSMo;
 - (28) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

- (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;
- (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;
 - (31) "Manufacturer", any person, firm, corporation or

- association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 3 (32) "Mobile scrap processor", a business located in 4 Missouri or any other state that comes onto a salvage site and 5 crushes motor vehicles and parts for transportation to a shredder 6 or scrap metal operator for recycling;
 - (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;
 - (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;
- 13 (35) "Motor vehicle primarily for business use", any
 14 vehicle other than a recreational motor vehicle, motorcycle,
 15 motortricycle, or any commercial motor vehicle licensed for over
 16 twelve thousand pounds:
 - (a) Offered for hire or lease; or

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- (b) The owner of which also owns ten or more such motor vehicles;
- 20 (36) "Motorcycle", a motor vehicle operated on two wheels;
 - (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;
 - (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any

- 1 conveyance, temporary or otherwise, requiring the use of a third
- 2 wheel. A motortricycle shall not be included in the definition
- 3 of all-terrain vehicle;
- 4 (39) "Municipality", any city, town or village, whether
- 5 incorporated or not;
- 6 (40) "Nonresident", a resident of a state or country other
- 7 than the state of Missouri;
- 8 (41) "Non-USA-std motor vehicle", a motor vehicle not
- 9 originally manufactured in compliance with United States
- 10 emissions or safety standards;
- 11 (42) "Operator", any person who operates or drives a motor
- 12 vehicle;
- 13 (43) "Owner", any person, firm, corporation or association,
- who holds the legal title to a vehicle or in the event a vehicle
- is the subject of an agreement for the conditional sale or lease
- 16 thereof with the right of purchase upon performance of the
- 17 conditions stated in the agreement and with an immediate right of
- 18 possession vested in the conditional vendee or lessee, or in the
- 19 event a mortgagor of a vehicle is entitled to possession, then
- such conditional vendee or lessee or mortgagor shall be deemed
- 21 the owner for the purpose of this law;
- 22 (44) "Public garage", a place of business where motor
- vehicles are housed, stored, repaired, reconstructed or repainted
- for persons other than the owners or operators of such place of
- 25 business:
- 26 (45) "Rebuilder", a business that repairs or rebuilds motor
- 27 vehicles owned by the rebuilder, but does not include
- certificated common or contract carriers of persons or property;

1 (46) "Reconstructed motor vehicle", a vehicle that is
2 altered from its original construction by the addition or
3 substitution of two or more new or used major component parts,
4 excluding motor vehicles made from all new parts, and new
5 multistage manufactured vehicles;

- designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;
- (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;
- in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

- 1 (50) "Salvage dealer and dismantler", a business that
 2 dismantles used motor vehicles for the sale of the parts thereof,
 3 and buys and sells used motor vehicle parts and accessories;
 - (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

- (a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;
- (b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;
- (c) Has been declared salvage by an insurance company as a result of settlement of a claim;
 - (d) Ownership of which is evidenced by a salvage title; or
 - (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property".

The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of

this definition, "fair market value" means the retail value of a 1 2 motor vehicle as:

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- Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor 7 vehicles:
- 8 Determined pursuant to a market survey of comparable 9 vehicles with regard to condition and equipment; and
 - Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;
 - "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;
 - "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;
 - "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders,

- 1 rollers, well-drillers and wood-sawing equipment used for hire,
- 2 asphalt spreaders, bituminous mixers, bucket loaders, ditchers,
- 3 leveling graders, finished machines, motor graders, road rollers,
- 4 scarifiers, earth-moving carryalls, scrapers, drag lines,
- 5 concrete pump trucks, rock-drilling and earth-moving equipment.
- 6 This enumeration shall be deemed partial and shall not operate to
- 7 exclude other such vehicles which are within the general terms of
- 8 this section;
- 9 (55) "Specially constructed motor vehicle", a motor vehicle
- which shall not have been originally constructed under a
- distinctive name, make, model or type by a manufacturer of motor
- vehicles. The term specially constructed motor vehicle includes
- 13 kit vehicles;
- 14 (56) "Stinger-steered combination", a truck
- 15 tractor-semitrailer wherein the fifth wheel is located on a drop
- 16 frame located behind and below the rearmost axle of the power
- 17 unit;
- 18 (57) "Tandem axle", a group of two or more axles, arranged
- one behind another, the distance between the extremes of which is
- 20 more than forty inches and not more than ninety-six inches apart;
- 21 (58) "Tractor", "truck tractor" or "truck-tractor", a
- 22 self-propelled motor vehicle designed for drawing other vehicles,
- but not for the carriage of any load when operating
- independently. When attached to a semitrailer, it supports a
- 25 part of the weight thereof;
- 26 (59) "Trailer", any vehicle without motive power designed
- for carrying property or passengers on its own structure and for
- 28 being drawn by a self-propelled vehicle, except those running

- 1 exclusively on tracks, including a semitrailer or vehicle of the
- 2 trailer type so designed and used in conjunction with a
- 3 self-propelled vehicle that a considerable part of its own weight
- 4 rests upon and is carried by the towing vehicle. The term
- 5 "trailer" shall not include cotton trailers as defined in
- 6 subdivision (8) of this section and shall not include
- 7 manufactured homes as defined in section 700.010, RSMo;
- 8 (60) "Truck", a motor vehicle designed, used, or maintained 9 for the transportation of property;
- 10 (61) "Truck-tractor semitrailer-semitrailer", a combination
 11 vehicle in which the two trailing units are connected with a
 12 B-train assembly which is a rigid frame extension attached to the
- rear frame of a first semitrailer which allows for a fifth-wheel
- 14 connection point for the second semitrailer and has one less
- articulation point than the conventional "A dolly" connected
- truck-tractor semitrailer-trailer combination;
- 17 (62) "Truck-trailer boat transporter combination", a boat
 18 transporter combination consisting of a straight truck towing a
 19 trailer using typically a ball and socket connection with the
 20 trailer axle located substantially at the trailer center of
 21 gravity rather than the rear of the trailer but so as to maintain
- 22 a downward force on the trailer tongue;
- 23 (63) "Used parts dealer", a business that buys and sells
- 24 used motor vehicle parts or accessories, but not including a
- business that sells only new, remanufactured or rebuilt parts.
- 26 "Business" does not include isolated sales at a swap meet of less
- 27 than three days;

(64) "Utility vehicle", any motorized vehicle manufactured

- 1 and used exclusively for off-highway use which is sixty-three
- 2 inches or less in width, with an unladen dry weight of one
- 3 thousand eight hundred fifty pounds or less, traveling on four or
- 4 six wheels, to be used primarily for landscaping, lawn care, or
- 5 maintenance purposes;
- 6 (65) "Vanpool", any van or other motor vehicle used or
- 7 maintained by any person, group, firm, corporation, association,
- 8 city, county or state agency, or any member thereof, for the
- 9 transportation of not less than eight nor more than forty-eight
- 10 employees, per motor vehicle, to and from their place of
- 11 employment; however, a vanpool shall not be included in the
- definition of the term "bus" or "commercial motor vehicle" as
- defined by subdivisions (6) and (7) of this section, nor shall a
- vanpool driver be deemed a "chauffeur" as that term is defined by
- section 302.010, RSMo; nor shall use of a vanpool vehicle for
- 16 ride-sharing arrangements, recreational, personal, or maintenance
- uses constitute an unlicensed use of the motor vehicle, unless
- 18 used for monetary profit other than for use in a ride-sharing
- 19 arrangement;
- [(65)] (66) "Vehicle", any mechanical device on wheels,
- 21 designed primarily for use, or used, on highways, except
- 22 motorized bicycles, vehicles propelled or drawn by horses or
- 23 human power, or vehicles used exclusively on fixed rails or
- 24 tracks, or cotton trailers or motorized wheelchairs operated by
- 25 handicapped persons;
- [(66)] (67) "Wrecker" or "tow truck", any emergency
- 27 commercial vehicle equipped, designed and used to assist or
- 28 render aid and transport or tow disabled or wrecked vehicles from

a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

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- [(67)] (68) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.
- The director of revenue, upon receipt of a 301.130. 1. proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the national quard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME

- 1 STATE".
- 2 2. The arrangement of letters and numbers of license plates
- 3 shall be uniform throughout each classification of registration.
- 4 The director may provide for the arrangement of the numbers in
- 5 groups or otherwise, and for other distinguishing marks on the
- 6 plates.
- 7 3. All property-carrying commercial motor vehicles to be
- 8 registered at a gross weight in excess of twelve thousand pounds,
- 9 all passenger-carrying commercial motor vehicles, local transit
- 10 buses, school buses, trailers, semitrailers, motorcycles,
- 11 motortricycles, motorscooters and driveaway vehicles shall be
- 12 registered with the director of revenue as provided for in
- 13 subsection 3 of section 301.030, or with the state highways and
- 14 transportation commission as otherwise provided in this chapter,
- but only one license plate shall be issued for each such vehicle
- 16 [except as provided in this subsection. The applicant for
- 17 registration of any property-carrying commercial motor vehicle
- may request and be issued two license plates for such vehicle,
- and if such plates are issued the director of revenue may assess
- and collect an additional charge from the applicant in an amount
- 21 not to exceed the fee prescribed for personalized license plates
- in subsection 1 of section 301.144].
- 23 4. The plates issued to manufacturers and dealers shall
- bear the letters and numbers as prescribed by section 301.560,
- 25 and the director may place upon the plates other letters or marks
- 26 to distinguish commercial motor vehicles and trailers and other
- 27 types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any

highway of this state unless it shall have displayed thereon the 1 2 license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and 3 authorized by section 301.140. Each such plate shall be securely 5 fastened to the motor vehicle or trailer in a manner so that all 6 parts thereof shall be plainly visible and reasonably clean so 7 that the reflective qualities thereof are not impaired. 8 such plate may be encased in a transparent cover so long as the 9 plate is plainly visible and its reflective qualities are not 10 impaired. License plates shall be fastened to all motor vehicles 11 except trucks, tractors, truck tractors or truck-tractors 12 licensed in excess of twelve thousand pounds on the front and 13 rear of such vehicles not less than eight nor more than 14 forty-eight inches above the ground, with the letters and numbers 15 thereon right side up. The license plates on trailers, 16 motorcycles, motortricycles and motorscooters shall be displayed 17 on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than 18 19 school buses, and on trucks, tractors, truck tractors or 20 truck-tractors licensed in excess of twelve thousand pounds shall 21 be displayed on the front of such vehicles not less than eight 22 nor more than forty-eight inches above the ground, with the 23 letters and numbers thereon right side up or if two plates are 24 issued for the vehicle pursuant to subsection 3 of this section, 25 displayed in the same manner on the front and rear of such 26 vehicles. The license plate or plates authorized by section 27 301.140, when properly attached, shall be prima facie evidence

that the required fees have been paid.

- 1 6. (1) The director of revenue shall issue annually or
- 2 biennially a tab or set of tabs as provided by law as evidence of
- 3 the annual payment of registration fees and the current
- 4 registration of a vehicle in lieu of the set of plates.
- 5 Beginning January 1, 2010, the director may prescribe any
- 6 additional information recorded on the tab or tabs to ensure that
- 7 the tab or tabs positively correlate with the license plate or
- 8 plates issued by the department of revenue for such vehicle.
- 9 Such tabs shall be produced in each license bureau office.
- 10 (2) The vehicle owner to whom a tab or set of tabs is
 11 issued shall affix and display such tab or tabs in the designated
- 12 area of the license plate, no more than one per plate.
- 13 (3) A tab or set of tabs issued by the director of revenue
- when attached to a vehicle in the prescribed manner shall be
- prima facie evidence that the registration fee for such vehicle
- 16 has been paid.
- 17 (4) Except as otherwise provided in this section, the
- 18 director of revenue shall issue plates for a period of at least
- 19 six years.
- 20 (5) For those commercial motor vehicles and trailers
- 21 registered pursuant to section 301.041, the plate issued by the
- 22 highways and transportation commission shall be a permanent
- 23 nonexpiring license plate for which no tabs shall be issued.
- Nothing in this section shall relieve the owner of any vehicle
- 25 permanently registered pursuant to this section from the
- 26 obligation to pay the annual registration fee due for the
- 27 vehicle. The permanent nonexpiring license plate shall be
- returned to the highways and transportation commission upon the

sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

- (6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.
 - 7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion

of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

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- 8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.
- 9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection.

- 1 Except for new, replacement, and transfer applications, permanent
- 2 <u>nonexpiring license plates issued to commercial motor vehicles</u>
- 3 and trailers registered under section 301.041 are exempt from the
- 4 provisions of this subsection.

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- 5 302.010. Except where otherwise provided, when used in this 6 chapter, the following words and phrases mean:
- 7 (1) "Circuit court", each circuit court in the state;
- 8 (2) "Commercial motor vehicle", a motor vehicle designed or 9 regularly used for carrying freight and merchandise, or more than 10 fifteen passengers;
 - (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;
 - (4) "Director", the director of revenue acting directly or through the director's authorized officers and agents;
 - (5) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;
- 26 (6) "Highway", any public thoroughfare for vehicles,
 27 including state roads, county roads and public streets, avenues,
 28 boulevards, parkways, or alleys in any municipality;

- 1 (7) "Incompetent to drive a motor vehicle", a person who
 2 has become physically incapable of meeting the prescribed
 3 requirements of an examination for an operator's license, or who
- 4 has been adjudged by a probate division of the circuit court in a
- 5 capacity hearing of being incapacitated;

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- 6 (8) "License", a license issued by a state to a person
 7 which authorizes a person to operate a motor vehicle;
 - (9) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180, RSMo;
- 11 (10) "Motorcycle", a motor vehicle operated on two wheels; 12 however, this definition shall not include motorized bicycles as 13 defined in section 301.010, RSMo;
 - (11) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;
- 17 (12) "Moving violation", that character of traffic
 18 violation where at the time of violation the motor vehicle
 19 involved is in motion, except that the term does not include the
 20 driving of a motor vehicle without a valid motor vehicle
 21 registration license, or violations of sections 304.170 to
 22 304.240, RSMo, inclusive, relating to sizes and weights of
 23 vehicles;
- 24 (13) "Municipal court", every division of the circuit court
 25 having original jurisdiction to try persons for violations of
 26 city ordinances;
- 27 (14) "Nonresident", every person who is not a resident of this state;

- 1 (15) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;
- "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;
 - (17) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

- (18) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;
- (19) "Restricted driving privilege", a driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified

ignition interlock provider;

- 2 (20) "School bus", when used in sections 302.010 to
- 3 302.540, means any motor vehicle, either publicly or privately
- 4 owned, used to transport students to and from school, or to
- 5 transport pupils properly chaperoned to and from any place within
- 6 the state for educational purposes. The term "school bus" shall
- 7 not include a bus operated by a public utility, municipal
- 8 corporation or common carrier authorized to conduct local or
- 9 interstate transportation of passengers when such bus is not
- 10 traveling a specific school bus route but is:
- 11 (a) On a regularly scheduled route for the transportation
- of fare-paying passengers; or
- 13 (b) Furnishing charter service for the transportation of
- 14 persons enrolled as students on field trips or other special
- trips or in connection with other special events;
- 16 (21) "School bus operator", an operator who operates a
- school bus as defined in subdivision (20) of this section in the
- 18 transportation of any schoolchildren and who receives
- 19 compensation for such service. The term "school bus operator"
- 20 shall not include any person who transports schoolchildren as an
- 21 incident to employment with a school or school district, such as
- 22 a teacher, coach, administrator, secretary, school nurse, or
- janitor unless such person is under contract with or employed by
- 24 a school or school district as a school bus operator;
- 25 (22) "Signature", any method determined by the director of
- 26 revenue for the signing, subscribing or verifying of a record,
- 27 report, application, driver's license, or other related document
- that shall have the same validity and consequences as the actual

- signing by the person providing the record, report, application, driver's license or related document;
- "Substance abuse traffic offender program", a program 3 4 certified by the division of alcohol and drug abuse of the 5 department of mental health to provide education or 6 rehabilitation services pursuant to a professional assessment 7 screening to identify the individual needs of the person who has 8 been referred to the program as the result of an alcohol- or 9 drug-related traffic offense. Successful completion of such a 10 program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment 11 12 screening. The assignment recommendations based upon such 13 assessment shall be subject to judicial review as provided in 14 subsection [13] 14 of section 302.304 and subsections 1 and 5 of 15 section 302.540;
- 16 (24) "Vehicle", any mechanical device on wheels, designed
 17 primarily for use, or used on highways, except motorized
 18 bicycles, vehicles propelled or drawn by horses or human power,
 19 or vehicles used exclusively on fixed rails or tracks, or cotton
 20 trailers or motorized wheelchairs operated by handicapped
 21 persons.
- 302.060. <u>1.</u> The director shall not issue any license and shall immediately deny any driving privilege:

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- (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
- (2) To any person who is under the age of sixteen years, except as hereinafter provided;

- (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
 - (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

- (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
- (6) To any person who, when required by this law to take an examination, has failed to pass such examination;
- (7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;
- (8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;
- (9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last

conviction was rendered and the court shall review the person's 1 2 habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related 3 to alcohol, controlled substances or drugs during the preceding 5 ten years and that the petitioner's habits and conduct show such 6 petitioner to no longer pose a threat to the public safety of 7 this state, the court may order the director to issue a license 8 to the petitioner if the petitioner is otherwise qualified 9 pursuant to the provisions of sections 302.010 to 302.540. 10 person may obtain a license pursuant to the provisions of this subdivision through court action more than one time; 11

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- To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction:
 - (11) To any person who is otherwise disqualified pursuant

- to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;
- (12) To any person who is under the age of eighteen years, if such person's parents or legal quardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal quardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal quardians to be true and correct. provision shall not apply to any person who is legally emancipated. The parents or legal quardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month

- 1 period or until proof as required by this section is filed with
- 2 the director. Upon the completion of the six-month period, the
- 3 <u>license shall be shown as reinstated, if the person is otherwise</u>
- 4 eligible.
- 5 302.177. 1. To all applicants for a license or renewal to
- 6 transport persons or property classified in section 302.015 who
- 7 are at least twenty-one years of age and under the age of
- 8 seventy, and who submit a satisfactory application and meet the
- 9 requirements of sections 302.010 to 302.605, the director shall
- issue or renew such license; except that no license shall be
- issued if an applicant's license is currently suspended,
- 12 canceled, revoked, disqualified, or deposited in lieu of bail.
- 13 Such license shall expire on the applicant's birthday in the
- 14 sixth year of issuance, unless the license must be issued for a
- shorter period due to other requirements of law or for transition
- or staggering of work as determined by the director. The license
- must be renewed on or before the date of expiration, which date
- 18 shall be shown on the license.
- 19 2. To all applicants for a license or renewal to transport
- 20 persons or property classified in section 302.015 who are less
- 21 than twenty-one years of age or greater than sixty-nine years of
- 22 age, and who submit a satisfactory application and meet the
- 23 requirements of sections 302.010 to 302.605, the director shall
- issue or renew such license; except that no license shall be
- issued if an applicant's license is currently suspended,
- 26 canceled, revoked, disqualified, or deposited in lieu of bail.
- 27 Such license shall expire on the applicant's birthday in the
- third year of issuance, unless the license must be issued for a

- shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. A license issued under this section to an applicant who is over the age of sixty-nine and contains a school bus endorsement shall not be issued for a period that exceeds one year.
- 8 To all other applicants for a license or renewal of a 9 license who are at least twenty-one years of age and under the 10 age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the 11 12 director shall issue or renew such license; except that no 13 license shall be issued if an applicant's license is currently 14 suspended, canceled, revoked, disqualified, or deposited in lieu 15 of bail. Such license shall expire on the applicant's birthday 16 in the sixth year of issuance, unless the license must be issued 17 for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. 18 The license must be renewed on or before the date of expiration, 19 20 which date shall be shown on the license.

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4. To all other applicants for a license or renewal of a license who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the

- 1 applicant's birthday in the third year of issuance, unless the
- 2 license must be issued for a shorter period due to other
- 3 requirements of law or for transition or staggering of work as
- 4 determined by the director. The license must be renewed on or
- 5 before the date of expiration, which date shall be shown on the
- 6 license.
- 7 5. The fee for a license issued for a period which exceeds
- 8 three years under subsection 1 of this section shall be thirty
- 9 dollars.
- 10 6. The fee for a license issued for a period of three years
- or less under subsection 2 of this section shall be fifteen
- dollars, except that the fee for a license issued for one year or
- less which contains a school bus endorsement shall be five
- dollars, except renewal fees shall be waived for applicants
- seventy years of age or older seeking school bus endorsements.
- 16 7. The fee for a license issued for a period which exceeds
- three years under subsection 3 of this section shall be fifteen
- dollars.
- 19 8. The fee for a license issued for a period of three years
- 20 or less under subsection 4 of this section shall be seven dollars
- 21 and fifty cents.
- 22 9. Beginning July 1, 2005, the director shall not issue a
- driver's license for a period that exceeds an applicant's lawful
- 24 presence in the United States. The director may establish
- 25 procedures to verify the lawful presence of the applicant and
- 26 establish the duration of any driver's license issued under this
- 27 section.
- 28 10. The director of revenue may adopt any rules and

- 1 regulations necessary to carry out the provisions of this
- 2 section. No rule or portion of a rule promulgated pursuant to
- 3 the authority of this section shall become effective unless it
- 4 has been promulgated pursuant to the provisions of chapter 536,
- 5 RSMo.
- 6 302.304. 1. The director shall notify by ordinary mail any
- 7 operator of the point value charged against the operator's record
- 8 when the record shows four or more points have been accumulated
- 9 in a twelve-month period.
- 10 2. In an action to suspend or revoke a license or driving
- 11 privilege under this section points shall be accumulated on the
- date of conviction. No case file of any conviction for a driving
- violation for which points may be assessed pursuant to section
- 302.302 may be closed until such time as a copy of the record of
- such conviction is forwarded to the department of revenue.
- 16 3. The director shall suspend the license and driving
- 17 privileges of any person whose driving record shows the driver
- 18 has accumulated eight points in eighteen months.
- 19 4. The license and driving privilege of any person whose
- 20 license and driving privilege have been suspended under the
- 21 provisions of sections 302.010 to 302.540 except those persons
- 22 whose license and driving privilege have been suspended under the
- 23 provisions of subdivision (8) of subsection 1 of section 302.302
- or has accumulated sufficient points together with a conviction
- 25 under subdivision (10) of subsection 1 of section 302.302 and who
- 26 has filed proof of financial responsibility with the department
- of revenue, in accordance with chapter 303, RSMo, and is
- 28 otherwise eligible, shall be reinstated as follows:

- 1 (1) In the case of an initial suspension, thirty days after 2 the effective date of the suspension;
- 3 (2) In the case of a second suspension, sixty days after 4 the effective date of the suspension;
- 5 (3) In the case of the third and subsequent suspensions, 6 ninety days after the effective date of the suspension.

- Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.
 - 5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.
 - 6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.
 - 7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or

eighteen points in twenty-four months or twenty-four points in 1 2 thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the 3 provisions of sections 302.010 to 302.540 and who has filed proof 5 of financial responsibility with the department of revenue in 6 accordance with chapter 303, RSMo, and is otherwise eligible, 7 shall be terminated by a notice from the director of revenue 8 after one year from the effective date of the revocation. Unless 9 proof of financial responsibility is filed with the department of 10 revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years 11 12 from its effective date. If the person fails to maintain proof 13 of financial responsibility in accordance with chapter 303, RSMo, 14 the person's license and driving privilege shall be rerevoked. 15 Any person whose license and driving privilege have been revoked 16 under the provisions of sections 302.010 to 302.540 shall, upon 17 receipt of the notice of termination of the revocation from the 18 director, pass the complete driver examination and apply for a 19 new license before again operating a motor vehicle upon the 20 highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

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9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

- 10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.
 - 11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.
 - 12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall

1 be in addition to all other fees provided by law.

a motor vehicle in this state.

- 13. Notwithstanding any other provision of law to the
 contrary, if after two years from the effective date of any
 suspension or revocation issued under this chapter, the person or
 nonresident has not paid the reinstatement fee of twenty dollars,
 the director shall reinstate such license or privilege to operate
- 8 No person who has had a license to operate a motor 9 vehicle suspended or revoked as a result of an assessment of 10 points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license 11 12 reinstated until such person has participated in and successfully 13 completed a substance abuse traffic offender program defined in 14 section 302.010, or a program determined to be comparable by the 15 department of mental health. Assignment recommendations, based 16 upon the needs assessment as described in subdivision (22) of 17 section 302.010, shall be delivered in writing to the person with 18 written notice that the person is entitled to have such 19 assignment recommendations reviewed by the court if the person 20 objects to the recommendations. The person may file a motion in 21 the associate division of the circuit court of the county in 22 which such assignment was given, on a printed form provided by 23 the state courts administrator, to have the court hear and 24 determine such motion pursuant to the provisions of chapter 517, 25 The motion shall name the person or entity making the 26 needs assessment as the respondent and a copy of the motion shall 27 be served upon the respondent in any manner allowed by law. Upon 28 hearing the motion, the court may modify or waive any assignment

recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001, RSMo, or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the

program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

- 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.
- 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The

- 1 ignition interlock device shall further be required to be
- 2 maintained on all motor vehicles operated by the person for a
- 3 period of not less than six months immediately following the date
- 4 of reinstatement. If the person fails to maintain such proof
- 5 with the director, the license shall be resuspended or revoked
- 6 and the person shall be guilty of a class A misdemeanor.
- 7 302.309. 1. Whenever any license is suspended pursuant to
- 8 sections 302.302 to 302.309, the director of revenue shall return
- 9 the license to the operator immediately upon the termination of
- 10 the period of suspension and upon compliance with the
- 11 requirements of chapter 303, RSMo.
- 12 2. Any operator whose license is revoked pursuant to these
- 13 sections, upon the termination of the period of revocation, shall
- 14 apply for a new license in the manner prescribed by law.
- 3. (1) All circuit courts or the director of revenue shall
- 16 have jurisdiction to hear applications and make eligibility
- determinations granting limited driving privileges. Any
- 18 application may be made in writing to the director of revenue and
- 19 the person's reasons for requesting the limited driving privilege
- 20 shall be made therein.
- 21 (2) When any court of record having jurisdiction or the
- 22 director of revenue finds that an operator is required to operate
- a motor vehicle in connection with any of the following:
- 24 (a) A business, occupation, or employment;
- 25 (b) Seeking medical treatment for such operator;
- 26 (c) Attending school or other institution of higher
- 27 education:
- 28 (d) Attending alcohol or drug treatment programs; [or]

- (e) <u>Seeking the required services of a certified ignition</u> interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator;

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- the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.
- An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has

discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for that vehicle.

- (4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of subsection 3 of this section on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302; or a license denial under paragraph (a) or (b) of subdivision (8) of subsection 3 of this section; until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

- 1 which results in the assessment of points pursuant to section
- 2 302.302, other than a violation of a municipal stop sign
- 3 ordinance where no accident is involved, against a driver who is
- 4 operating a vehicle pursuant to a limited driving privilege
- 5 terminates the privilege, as of the date the points are assessed
- 6 to the person's driving record. If the date of arrest is prior
- 7 to the issuance of the limited driving privilege, the privilege
- 8 shall not be terminated. Failure of the driver to maintain proof
- 9 of financial responsibility, as required by chapter 303, or to
- 10 maintain proof of installation of a functioning, certified
- ignition interlock device, as applicable, shall terminate the
- 12 privilege. The director shall notify by ordinary mail the driver
- whose privilege is so terminated.
- [(5)] (6) Except as provided in subdivision [(7)] (8) of
- this subsection, no person is eligible to receive a limited
- driving privilege who at the time of application for a limited
- driving privilege has previously been granted such a privilege
- within the immediately preceding five years, or whose license has
- 19 been suspended or revoked for the following reasons:
- 20 (a) A conviction of violating the provisions of section
- 577.010 or 577.012, RSMo, or any similar provision of any federal
- or state law, or a municipal or county law where the judge in
- 23 such case was an attorney and the defendant was represented by or
- 24 waived the right to an attorney in writing, until the person has
- completed the first thirty days of a suspension or revocation
- 26 imposed pursuant to this chapter;
- 27 (b) A conviction of any felony in the commission of which a
- 28 motor vehicle was used;

1 (c) Ineligibility for a license because of the provisions 2 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or 3 (11) of section 302.060;

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- (d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as provided in section 577.060, RSMo;
- (e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;
- (f) Violation more than once of the provisions of section 577.041, RSMo, or a similar implied consent law of any other state; or
 - (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.
 - [(6)] (7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to

the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

- [(7)] (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.
 - (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least

two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

- 4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.
- 5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter

536, RSMo, and, if applicable, section 536.028, RSMo. This
section and chapter 536, RSMo, are nonseverable and if any of the
powers vested with the general assembly pursuant to chapter 536,
RSMo, to review, to delay the effective date or to disapprove and
annul a rule are subsequently held unconstitutional, then the
grant of rulemaking authority and any rule proposed or adopted
after August 28, 2001, shall be invalid and void.

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302.341. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which he is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of

the driver, effective immediately, and provide notice of the

suspension to the driver at the last address for the driver shown 1 2 on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending 3 charge requests setting aside the noncompliance suspension 5 pending final disposition, or satisfactory evidence of 6 disposition of pending charges and payment of fine and court 7 costs, if applicable, is furnished to the director by the 8 individual. Upon proof of disposition of charges and payment of 9 fine and court costs, if applicable, and payment of the 10 reinstatement fee as set forth in section 302.304, the director 11 shall [reinstate] return the license and remove the suspension 12 from the individual's driving record. The filing of financial 13 responsibility with the bureau of safety responsibility, 14 department of revenue, shall not be required as a condition of 15 reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town or village 16 receives more than forty-five percent of its total annual revenue 17 18 from fines for traffic violations occurring on state highways, 19 all revenues from such violations in excess of forty-five percent 20 of the total annual revenue of the city, town or village shall be 21 sent to the director of the department of revenue and shall be 22 distributed annually to the schools of the county in the same 23 manner that proceeds of all penalties, forfeitures and fines 24 collected for any breach of the penal laws of the state are 25 distributed. For the purpose of this section the words "state 26 highways" shall mean any state or federal highway, including any 27 such highway continuing through the boundaries of a city, town or 28 village with a designated street name other than the state

- 1 highway number.
- 2 302.525. 1. The license suspension or revocation shall
- 3 become effective fifteen days after the subject person has
- 4 received the notice of suspension or revocation as provided in
- 5 section 302.520, or is deemed to have received the notice of
- 6 suspension or revocation by mail as provided in section 302.515.
- 7 If a request for a hearing is received by or postmarked to the
- 8 department within that fifteen-day period, the effective date of
- 9 the suspension or revocation shall be stayed until a final order
- is issued following the hearing; provided, that any delay in the
- 11 hearing which is caused or requested by the subject person or
- 12 counsel representing that person without good cause shown shall
- 13 not result in a stay of the suspension or revocation during the
- 14 period of delay.
- 15 2. The period of license suspension or revocation under
- this section shall be as follows:
- 17 (1) If the person's driving record shows no prior
- 18 alcohol-related enforcement contacts during the immediately
- 19 preceding five years, the period of suspension shall be thirty
- 20 days after the effective date of suspension, followed by a
- 21 sixty-day period of restricted driving privilege as defined in
- section 302.010 and issued by the director of revenue. The
- 23 restricted driving privilege shall not be issued until he or she
- 24 has filed proof of financial responsibility with the department
- of revenue, in accordance with chapter 303, RSMo, and is
- otherwise eliqible. In no case shall restricted driving
- 27 privileges be issued pursuant to this section or section 302.535
- 28 until the person has completed the first thirty days of a

suspension under this section;

- 2 (2) The period of revocation shall be one year if the 3 person's driving record shows one or more prior alcohol-related 4 enforcement contacts during the immediately preceding five years;
 - issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.
 - 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.
 - 4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012, RSMo, or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or

- 1 alcohol-related traffic offense, both the suspension or
- 2 revocation under this section and any other suspension or
- 3 revocation arising from such convictions shall be imposed, but
- 4 the period of suspension or revocation under sections 302.500 to
- 5 302.540 shall be credited against any other suspension or
- 6 revocation arising from such convictions, and the total period of
- 7 suspension or revocation shall not exceed the longer of the two
- 8 suspension or revocation periods.
- 9 5. Any person who has had a license to operate a motor
- vehicle revoked under this section or suspended under this
- 11 <u>section with one or more prior alcohol-related enforcement</u>
- contacts showing on their driver record shall be required to file
- proof with the director of revenue that any motor vehicle
- operated by that person is equipped with a functioning, certified
- ignition interlock device as a required condition of
- 16 reinstatement. The ignition interlock device shall further be
- 17 required to be maintained on all motor vehicles operated by the
- 18 person for a period of not less than six months immediately
- following the date of reinstatement. If the person fails to
- 20 maintain such proof with the director, the license shall be
- 21 <u>resuspended or revoked, as applicable.</u>
- 22 302.720. 1. Except when operating under an instruction
- 23 permit as described in this section, no person may drive a
- 24 commercial motor vehicle unless the person has been issued a
- commercial driver's license with applicable endorsements valid
- 26 for the type of vehicle being operated as specified in sections
- 27 302.700 to 302.780. A commercial driver's instruction permit
- 28 shall allow the holder of a valid license to operate a commercial

motor vehicle when accompanied by the holder of a commercial 1 2 driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the 3 individual in the case of buses, for the purpose of giving 5 instruction in driving the commercial motor vehicle. A 6 commercial driver's instruction permit shall be valid for the 7 vehicle being operated for a period of not more than six months, 8 and shall not be issued until the permit holder has met all other 9 requirements of sections 302.700 to 302.780, except for the 10 driving test. A permit holder, unless otherwise disqualified, 11 may be granted one six-month renewal within a one-year period. 12 The fee for such permit or renewal shall be five dollars. In the 13 alternative, a commercial driver's instruction permit shall be 14 issued for a thirty-day period to allow the holder of a valid 15 driver's license to operate a commercial motor vehicle if the 16 applicant has completed all other requirements except the driving 17 test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five 18 19 dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified

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- and required by regulations promulgated by the Secretary.
- 2 Nothing contained in this subsection shall be construed as
- 3 prohibiting the director from establishing alternate testing
- 4 formats for those who are functionally illiterate; provided,
- 5 however, that any such alternate test must comply with the
- 6 minimum requirements of the Commercial Motor Vehicle Safety Act
- of 1986 (Title XII of Pub. Law 99-570) as established by the
- 8 Secretary.
- 9 (1) The written and driving tests shall be held at such
- 10 times and in such places as the superintendent may designate. A
- 11 twenty-five dollar examination fee shall be paid by the applicant
- 12 upon completion of any written or driving test, except the
- examination fee shall be waived for applicants seventy years of
- 14 age or older renewing a license with a school bus endorsement.
- 15 The director shall delegate the power to conduct the examinations
- 16 required under sections 302.700 to 302.780 to any member of the
- highway patrol or any person employed by the highway patrol
- 18 qualified to give driving examinations.
- 19 (2) The director shall adopt and promulgate rules and
- 20 regulations governing the certification of third-party testers by
- 21 the department of revenue. Such rules and regulations shall
- substantially comply with the requirements of 49 CFR Part 383,
- 23 Section 383.75. A certification to conduct third-party testing
- 24 shall be valid for one year, and the department shall charge a
- 25 fee of one hundred dollars to issue or renew the certification of
- 26 any third-party tester.
- 27 (3) Beginning August 28, 2006, the director shall only
- issue or renew third-party tester certification to junior

- colleges or community colleges established under chapter 178, 1 2 RSMo, or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or 3 to school districts and their agents that administer in-house 5 testing to the school district's or agent's employees. 6 third-party tester who violates any of the rules and regulations 7 adopted and promulgated pursuant to this section shall be subject 8 to having his certification revoked by the department. 9 department shall provide written notice and an opportunity for 10 the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant 11 12 submits evidence that he has successfully completed a test 13 administered by a third-party tester, the actual driving test for 14 a commercial driver's license may then be waived.
- 15 Every applicant for renewal of a commercial driver's 16 license shall provide such certifications and information as 17 required by the secretary and if such person transports a 18 hazardous material must also meet the requirements of the U.S. 19 Patriot Act of 2001 (Title X of Public Law 107-56) as specified 20 and required by regulations promulgated by the Secretary. Such 21 person shall be required to take the written test for such 22 endorsement. A twenty-five dollar examination fee shall be paid 23 upon completion of such tests.

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(5) The director shall have the authority to waive the driving skills test for any qualified military applicant for a commercial driver's license who is currently licensed at the time of application for a commercial driver's license. The director shall impose conditions and limitations to restrict the

- 1 applicants from whom the department may accept alternative
- 2 requirements for the skills test described in federal regulation
- 3 49 C.F.R. 383.77. An applicant must certify that, during the
- 4 two-year period immediately preceding application for a
- 5 commercial driver's license, all of the following apply:
 - (a) The applicant has not had more than one license;
- 7 (b) The applicant has not had any license suspended,
- 8 revoked, or cancelled;

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- (c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 C.F.R. 383.51(b);
- 12 (d) The applicant has not had more than one conviction for 13 any type of motor vehicle for serious traffic violations;
 - (e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;
 - (f) The applicant is regularly employed in a job requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;
 - (g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

- 1 (h) The applicant, if honorably discharged from military 2 service, must provide a form-DD214 or other proof of military 3 occupational specialty;
 - (i) The applicant must meet all federal and state qualifications to operate a commercial vehicle; and

- (j) The applicant will be required to complete all applicable knowledge tests.
 - 3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.
 - 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.
 - 5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-

- 1 party tester any municipality that owns, leases, or maintains its
- 2 <u>own fleets that requires certain employees as a condition of</u>
- 3 <u>employment to hold a valid commercial driver's license; and that</u>
- 4 administered in-house testing to such employees prior to August
- 5 28, 2006.
- 6 302.735. 1. An application shall not be taken from a
- 7 nonresident after September 30, 2005. The application for a
- 8 commercial driver's license shall include, but not be limited to,
- 9 the applicant's legal name, mailing and residence address, if
- 10 different, a physical description of the person, including sex,
- 11 height, weight and eye color, the person's Social Security
- 12 number, date of birth and any other information deemed
- appropriate by the director. The application shall also require,
- beginning September 30, 2005, the applicant to provide the names
- of all states where the applicant has been previously licensed to
- 16 drive any type of motor vehicle during the preceding ten years.
- 17 2. A commercial driver's license shall expire on the
- 18 applicant's birthday in the sixth year after issuance, unless the
- 19 license must be issued for a shorter period due to other
- 20 requirements of law or for transition or staggering of work as
- 21 determined by the director, and must be renewed on or before the
- date of expiration. When a person changes such person's name an
- 23 application for a duplicate license shall be made to the director
- of revenue. When a person changes such person's mailing address
- or residence the applicant shall notify the director of revenue
- of said change, however, no application for a duplicate license
- 27 is required. A commercial license issued pursuant to this
- section to an applicant less than twenty-one years of age and

- seventy years of age and older shall expire on the applicant's birthday in the third year after issuance, unless the license
- 3 must be issued for a shorter period as determined by the
- 4 director.
- 5 3. A commercial driver's license containing a hazardous
- 6 materials endorsement issued to an applicant who is between the
- 7 age of twenty-one and sixty-nine shall not be issued for a period
- 8 exceeding five years from the approval date of the security
- 9 threat assessment as determined by the Transportation Security
- 10 Administration.
- 11 4. The director shall issue an annual commercial driver's
- 12 license containing a school bus endorsement to an applicant who
- is seventy years of age or older. The fee for such license shall
- 14 be seven dollars and fifty cents; except renewal fees shall be
- 15 <u>waived for applicants seventy years of age or older seeking</u>
- 16 school bus endorsements.
- 5. A commercial driver's license containing a hazardous
- 18 materials endorsement issued to an applicant who is seventy years
- of age or older shall not be issued for a period exceeding three
- 20 years. The director shall not require such drivers to obtain a
- 21 security threat assessment more frequently than such assessment
- 22 is required by the Transportation Security Administration under
- 23 the Uniting and Strengthening America by Providing Appropriate
- 24 Tools Required to Intercept and Obstruct Terrorism Act (USA
- 25 PATRIOT ACT) of 2001.
- 26 6. The fee for a commercial driver's license or renewal
- 27 commercial driver's license issued for a period greater than
- three years shall be forty dollars.

- 7. The fee for a commercial driver's license or renewal commercial driver's license issued for a period of three years or less shall be twenty dollars.
- 8. The fee for a duplicate commercial driver's license shall be twenty dollars.
- In order for the director to properly transition driver's license requirements under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for any fees, including driver examination fees that are incurred by the driver as a result of the initial issuance of a transitional license required to comply with such acts.

- 10. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.
 - 11. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such

- 1 falsification.
- 2 12. Beginning July 1, 2005, the director shall not issue a
- 3 commercial driver's license under this section unless the
- 4 director verifies that the applicant is lawfully present in the
- 5 United States before accepting the application. If lawful
- 6 presence is granted for a temporary period, no commercial
- 7 driver's license shall be issued. The director may, by rule or
- 8 regulation, establish procedures to verify the lawful presence of
- 9 the applicant and establish the duration of any commercial
- driver's license issued under this section. No rule or portion
- of a rule promulgated pursuant to the authority of this section
- shall become effective unless it has been promulgated pursuant to
- 13 chapter 536, RSMo.
- 14 13. (1) Effective December 19, 2005, notwithstanding any
- provisions of subsections 1 and 5 of this section to the
- 16 contrary, the director may issue a nonresident commercial
- driver's license to a resident of a foreign jurisdiction if the
- 18 United States Secretary of Transportation has determined that the
- 19 commercial motor vehicle testing and licensing standards in the
- 20 foreign jurisdiction do not meet the testing standards
- established in 49 C.F.R. Part 383.
- 22 (2) Any applicant for a nonresident commercial driver's
- 23 license must present evidence satisfactory to the director that
- the applicant currently has employment with an employer in this
- 25 state. The nonresident applicant must meet the same testing,
- 26 driver record requirements, conditions, and is subject to the
- 27 same disqualification and conviction reporting requirements
- 28 applicable to resident commercial drivers.

- 1 (3) The nonresident commercial driver's license will expire
 2 on the same date that the documents establishing lawful presence
 3 for employment expire. The word "nonresident" shall appear on
 4 the face of the nonresident commercial driver's license. Any
 5 applicant for a Missouri nonresident commercial driver's license
 6 must first surrender any nonresident commercial driver's license
 7 issued by another state.
- 8 (4) The nonresident commercial driver's license applicant
 9 must pay the same fees as required for the issuance of a resident
 10 commercial driver's license.
- 11 14. Foreign jurisdiction for purposes of issuing a
 12 nonresident commercial driver's license under this section shall
 13 not include any of the fifty states of the United States or
 14 Canada or Mexico.

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- 304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.
- 2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
- 23 (1) When overtaking and passing another vehicle proceeding 24 in the same direction pursuant to the rules governing such 25 movement;
 - (2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to [304.026] 304.025 or traffic

1 regulations thereunder or of municipalities;

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- 2 (3) When the right half of a roadway is closed to traffic 3 while under construction or repair;
 - (4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- 6 It is unlawful to drive any vehicle upon any highway or 7 road which has been divided into two or more roadways by means of 8 a physical barrier or by means of a dividing section or 9 delineated by curbs, lines or other markings on the roadway, 10 except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided 11 12 highway, except at an intersection or interchange or at any 13 signed location designated by the state highways and 14 transportation commission or the department of transportation. 15 The provisions of this subsection shall not apply to emergency 16 vehicles, law enforcement vehicles or to vehicles owned by the 17 commission or the department.
 - 4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.
 - 5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

- vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;
- (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to [304.026] 304.025;
- (4) Official signs may be erected by the highways and transportation commission or the highway patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;
- (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

- 7. All trucks registered for a gross weight of more than forty-eight thousand pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways within urbanized areas of the state having three or more lanes of traffic proceeding in the same direction. This restriction shall not apply when:
- 12 (1) It is necessary for the operator of the truck to follow

 13 traffic control devices that direct use of a lane other than the

 14 right lane; or
- 15 (2) The right half of a roadway is closed to traffic while

 16 under construction or repair.
 - 8. As used in subsection 7 of this section, "truck" means any vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.
 - 9. Violation of this section shall be deemed an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.

1	304.032. 1. No person shall operate a utility vehicle, as
2	defined in section 301.010, RSMo, upon the highways of this
3	<pre>state, except as follows:</pre>
4	(1) Utility vehicles owned and operated by a governmental
5	entity for official use;
6	(2) Utility vehicles operated for agricultural purposes or
7	industrial on-premises purposes between the official sunrise and
8	sunset on the day of operation, unless equipped with proper
9	<pre>lighting;</pre>
10	(3) Utility vehicles operated by handicapped persons for
11	short distances occasionally only on the state's secondary roads
12	when operated between the hours of sunrise and sunset;
13	(4) Governing bodies of cities may issue special permits
14	for utility vehicles to be used on highways within the city
15	limits by licensed drivers. Fees of fifteen dollars may be
16	collected and retained by cities for such permits;
17	(5) Governing bodies of counties may issue special permits
18	for utility vehicles to be used on county roads within the county
19	by licensed drivers. Fees of fifteen dollars may be collected
20	and retained by the counties for such permits.
21	2. No person shall operate a utility vehicle within any
22	stream or river in this state, except that utility vehicles may
23	be operated within waterways which flow within the boundaries of
24	land which a utility vehicle operator owns, or for agricultural
25	purposes within the boundaries of land which a utility vehicle
26	operator owns or has permission to be upon, or for the purpose of
27	fording such stream or river of this state at such road crossings
28	as are customary or part of the highway system. All law

- 1 enforcement officials or peace officers of this state and its
- 2 political subdivisions or department of conservation agents or
- department of natural resources park rangers shall enforce the
- 4 provisions of this subsection within the geographic area of their
- 5 jurisdiction.
- 6 3. A person operating a utility vehicle on a highway
- 7 pursuant to an exception covered in this section shall have a
- 8 valid operator's or chauffeur's license, except that a
- 9 handicapped person operating such vehicle under subdivision (3)
- of subsection 1 of this section, but shall not be required to
- have passed an examination for the operation of a motorcycle, and
- the vehicle shall be operated at speeds of less than forty-five
- miles per hour.
- 14 4. No persons shall operate a utility vehicle:
- 15 (1) In any careless way so as to endanger the person or
- 16 property of another; or
- 17 (2) While under the influence of alcohol or any controlled
- 18 substance.
- 19 5. No operator of a utility vehicle shall carry a
- 20 passenger, except for agricultural purposes. The provisions of
- 21 this subsection shall not apply to any utility vehicle in which
- 22 the seat of such vehicle is designed to carry more than one
- person.
- 24 6. A violation of this section shall be a class C
- 25 <u>misdemeanor</u>. In addition to other legal remedies, the attorney
- 26 general or county prosecuting attorney may institute a civil
- 27 action in a court of competent jurisdiction for injunctive relief
- 28 to prevent such violation or future violations and for the

1 assessment of a civil penalty not to exceed one thousand dollars
2 per day of violation.

- 304.130. 1. For the purpose of promoting the public safety, health and general welfare and to protect life and property, the county commission in all counties of the first class, is empowered to adopt, by order or ordinance, regulations to control vehicular traffic upon the public roads and highways in the unincorporated territory of such counties and to establish reasonable speed regulations in congested areas upon such public roads and highways in the unincorporated territory of such counties. Such regulations shall not be inconsistent with the provisions of the general motor vehicle laws of this state.
- 2. Except as provided in subsection 3 of this section, before the adoption of such regulations, the county commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having a general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county; provided, however, that any regulations respecting stop signs, signal lights and speed limits on state or federal highways shall be approved by the state highways and transportation commission before the same shall become effective.
- 3. Regulations relating solely to increasing speed limits shall be exempt from the procedural requirements of subsection 2 of this section and shall take effect immediately upon approval of the county commission.
- 28 <u>4.</u> The regulations adopted shall be codified, printed and

distributed for public use; provided, however, that adequate signs displaying the speed limit must be posted along the highways at the points along such highways where such speed limits begin and end.

- 304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020, RSMo, shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.
 - 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.
- 3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

- 1 Distance in feet
- 2 between the extremes
- 3 of any group of two or
- 4 more consecutive axles,

5	measured to the	ne nearest	:						
6	foot, except where								
7	indicated other	Maximum load in pounds							
8	feet	2 axles	3 axles	4 axles	5 axles	6 axles			
9	4	34,000							
10	5	34,000							
11	6	34,000							
12	7	34,000							
13	8	34,000	34,000						
14	More than 8	38,000	42,000						
15	9	39,000	42,500						
16	10	40,000	43,500						
17	11	40,000	44,000						
18	12	40,000	45,000	50,000					
19	13	40,000	45,500	50,500					
20	14	40,000	46,500	51,500					
21	15	40,000	47,000	52,000					
22	16	40,000	48,000	52,500	58,000				
23	17	40,000	48,500	53,500	58,500				
24	18	40,000	49,500	54,000	59,000				
25	19	40,000	50,000	54,500	60,000				
26	20	40,000	51,000	55,500	60,500	66,000			
27	21	40,000	51,500	56,000	61,000	66,500			
28	22	40,000	52,500	56,500	61,500	67,000			
29	23	40,000	53,000	57,500	62,500	68,000			
30	24	40,000	54,000	58,000	63,000	68,500			
31	25	40,000	54,500	58,500	63,500	69,000			
32	26	40,000	55 , 500	59 , 500	64,000	69 , 500			

1	27	40,000	56,000	60,000	65,000	70,000
2	28	40,000	57,000	60,500	65,500	71,000
3	29	40,000	57,500	61,500	66,000	71,500
4	30	40,000	58,500	62,000	66,500	72,000
5	31	40,000	59,000	62,500	67,500	72,500
6	32	40,000	60,000	63,500	68,000	73,000
7	33	40,000	60,000	64,000	68,500	74,000
8	34	40,000	60,000	64,500	69,000	74,500
9	35	40,000	60,000	65,500	70,000	75,000
10	36		60,000	66,000	70,500	75,500
11	37		60,000	66,500	71,000	76,000
12	38		60,000	67 , 500	72,000	77,000
13	39		60,000	68,000	72,500	77,500
14	4 0		60,000	68,500	73,000	78,000
15	41		60,000	69,500	73,500	78,500
16	42		60,000	70,000	74,000	79,000
17	43		60,000	70,500	75,000	80,000
18	44		60,000	71,500	75,500	80,000
19	45		60,000	72,000	76,000	80,000
20	4 6		60,000	72,500	76,500	80,000
21	47		60,000	73,500	77,500	80,000
22	48		60,000	74,000	78,000	80,000
23	4 9		60,000	74,500	78,500	80,000
24	50		60,000	75 , 500	79,000	80,000
25	51		60,000	76,000	80,000	80,000
26	52		60,000	76,500	80,000	80,000
27	53		60,000	77,500	80,000	80,000
28	5 4		60,000	78,000	80,000	80,000
29	55		60,000	78,500	80,000	80,000
30	56		60,000	79,500	80,000	80,000
31	57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem

- axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.
- Whenever the state highways and transportation 5 commission finds that any state highway bridge in the state is in 6 such a condition that use of such bridge by vehicles of the 7 weights specified in subsection 3 of this section will endanger 8 the bridge, or the users of the bridge, the commission may 9 establish maximum weight limits and speed limits for vehicles 10 using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and 11 12 transportation commission to enact the limitations established in 13 this section on those roadways within the purview of such city or 14 county. Notice of the weight limits and speed limits established 15 by the commission shall be given by posting signs at a 16 conspicuous place at each end of any such bridge.
 - 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

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- 6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsection 9 of this section.
 - 7. Notwithstanding any provision of this section to the

- 1 contrary, the department of transportation shall issue a
- 2 single-use special permit, or upon request of the owner of the
- 3 truck or equipment, shall issue an annual permit, for the
- 4 transporting of any concrete pump truck or well-drillers'
- 5 equipment. The department of transportation shall set fees for
- 6 the issuance of permits pursuant to this subsection.
- 7 Notwithstanding the provisions of section 301.133, RSMo, concrete

8. Notwithstanding the provision of this section to the

- 8 pump trucks or well-drillers' equipment may be operated on
- 9 state-maintained roads and highways at any time on any day.
- 11 contrary, the maximum gross vehicle limit and axle weight limit

 12 for any vehicle or combination of vehicles equipped with an idle
- reduction technology may be increased by a quantity necessary to
- 14 compensate for the additional weight of the idle reduction system
- as provided for in 23 U.S.C. Section 127, as amended. In no case
- shall the additional weight increase allowed by this subsection
- be greater than four hundred pounds. Upon request by an
- 18 <u>appropriate law enforcement officer, the vehicle operator shall</u>
- 19 provide proof that the idle reduction technology is fully
- 20 <u>functional at all times and that the gross weight increase is not</u>
- 21 <u>used for any purpose other than for the use of idle reduction</u>
- 22 <u>technology</u>.

- 9. Notwithstanding subsection 3 of this section or any
- other provision of law to the contrary, the total gross weight of
- 25 <u>any vehicle or combination of vehicles hauling livestock may be</u>
- as much as, but shall not exceed, eighty-five thousand five
- 27 hundred pounds while operating on U.S. Highway 36 from St. Joseph
- to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state

line to U.S. Highway 36.

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304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections. Beginning January 1, 2009, only law enforcement officers that have been approved by the Missouri state highway patrol under section 304.232, members of the Missouri state highway patrol, commercial vehicle enforcement officers, and commercial vehicle inspectors appointed under subsection 4 of this section shall have the authority to conduct random roadside examinations or inspections to determine compliance with sections 304.170 to 304.230, and only such officers shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by sections 304.170 to 304.230, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with sections 304.170 to 304.230. Notwithstanding the provisions of this subsection, a law enforcement officer not certified under section 304.232, may stop a vehicle that has a visible external safety defect relating to the enforcement of the provisions of sections 304.170 to 304.230 that could cause immediate harm to the traveling public. Nothing in this section shall be construed as preventing a law enforcement officer not certified under section 304.232 from stopping and detaining a commercial motor vehicle when such officer has probable cause to believe that the

commercial motor vehicle is being used to conduct illegal or 1 2 criminal activities unrelated to violations of sections 304.170 to 304.230. In the course of a stop, the law enforcement officer 3 4 shall identify to the driver the defect that caused the stop. If 5 the vehicle passes a comprehensive roadside inspection, the law 6 enforcement officer, state highway patrolman, or other authorized 7 person shall issue such vehicle a Commercial Vehicle Safety 8 Alliance inspection decal to be affixed to the vehicle in a 9 manner prescribed by the Commercial Vehicle Safety Alliance. The 10 superintendent of the Missouri state highway patrol shall promulgate rules and regulations relating to the implementation 11 of the provisions of this section. Any rule or portion of a 12 13 rule, as that term is defined in section 536.010, RSMo, that is 14 created under the authority delegated in this section shall 15 become effective only if it complies with and is subject to all 16 of the provisions of chapter 536, RSMo, and, if applicable, 17 section 536.028, RSMo. This section and chapter 536, RSMo, are 18 nonseverable and if any of the powers vested with the general 19 assembly pursuant to chapter 536, RSMo, to review, to delay the 20 effective date, or to disapprove and annul a rule are 21 subsequently held unconstitutional, then the grant of rulemaking 22 authority and any rule proposed or adopted after August 28, 2008, 23 shall be invalid and void.

2. [The sheriff or] Any peace officer approved under section 304.232 or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections

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304.170 to 304.230, and if he or she finds such vehicle loaded in 1 2 violation of the provisions thereof he or she shall have a right at that time and place to cause the excess load to be removed 3 from such vehicle; and provided further, that any regularly 5 employed maintenance man of the department of transportation 6 shall have the right and authority in any part of this state to 7 stop any such conveyance or vehicle upon the public highway for 8 the purpose of determining whether such vehicle is loaded in 9 excess of the provisions of sections 304.170 to 304.230, and if 10 he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time 11 12 and place to cause the excess load to be removed from such 13 vehicle. When only an axle or a tandem axle group of a vehicle 14 is overloaded, the operator shall be permitted to shift the load, 15 if this will not overload some other axle or axles, without being 16 charged with a violation; provided, however, the privilege of 17 shifting the weight without being charged with a violation shall 18 not extend to or include vehicles while traveling on the federal 19 interstate system of highways. When only an axle or tandem axle 20 group of the vehicle traveling on the federal interstate system 21 of highways is overloaded and a court authorized to enforce the 22 provisions of sections 304.170 to 304.230 finds that the 23 overloading was due to the inadvertent shifting of the load 24 changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so 25 26 that no axle had been overloaded, then the court may find that no 27 violation has been committed. The operator of any vehicle shall 28 be permitted to back up and reweigh, or to turn around and weigh

- from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution by such proper officers.
 - 3. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to supervise or operate permanent or portable weigh stations used in the enforcement of commercial vehicle laws. These persons shall be designated as commercial vehicle inspectors and have limited police powers:

(1) To issue uniform traffic tickets at a permanent or portable weigh station for violations of rules and regulations of the division of motor carrier [and railroad safety of the department of economic development] services of the highway and transportation commission and department of public safety, and

- 1 laws, rules, and regulations pertaining to commercial motor
- 2 vehicles and trailers and related to size, weight, fuel tax,
- 3 registration, equipment, driver requirements, transportation of
- 4 hazardous materials and operators' or chauffeurs' licenses, and
- 5 the provisions of sections 303.024 and 303.025, RSMo;
- 6 (2) To require the operator of any commercial vehicle to
- 7 stop and submit to a vehicle and driver inspection to determine
- 8 compliance with commercial vehicle laws, rules, and regulations,
- 9 the provisions of sections 303.024 and 303.025, RSMo, and to
- 10 submit to a cargo inspection when reasonable grounds exist to
- 11 cause belief that a vehicle is transporting hazardous materials
- 12 as defined by Title 49 of the Code of Federal Regulations;
- 13 (3) To make arrests for violation of subdivisions (1) and
- 14 (2) of this subsection. Commercial vehicle inspectors shall not
- have the authority to exercise the powers granted in subdivisions
- 16 (1), (2) and (3) of this subsection until they have successfully
- completed training approved by the superintendent of the Missouri
- 18 state highway patrol; nor shall they have the right as peace
- 19 officers to bear arms.
- 20 4. The superintendent of the Missouri state highway patrol
- 21 may appoint qualified persons, who are not members of the highway
- 22 patrol, designated as commercial vehicle enforcement officers,
- 23 with the powers:
- 24 (1) To issue uniform traffic tickets for violations of
- laws, rules and regulations pertaining to commercial vehicles,
- trailers, special mobile equipment and drivers of such vehicles,
- 27 and the provisions of sections 303.024 and 303.025, RSMo;
- 28 (2) To require the operator of any commercial vehicle to

compliance with commercial vehicle laws, rules, and regulations,
compliance with the provisions of sections 303.024 and 303.025,
RSMo, and to submit to a cargo inspection when reasonable grounds

stop and submit to a vehicle and driver inspection to determine

- 5 exist to cause belief that a vehicle is transporting hazardous
- 6 materials as defined by Title 49 of the Code of Federal
- 7 Regulations;

- 8 To make arrests upon warrants and for violations of 9 subdivisions (1) and (2) of this subsection. Commercial vehicle 10 officers selected and designated as peace officers by the superintendent of the Missouri state highway patrol are hereby 11 12 declared to be peace officers of the state of Missouri, with full 13 power and authority to make arrests solely for violations under 14 the powers granted in subdivisions (1) to (3) of this subsection. 15 Commercial vehicle enforcement officers shall not have the 16 authority to exercise the powers granted in subdivisions (1), (2) 17 and (3) of this subsection until they have successfully completed 18 training approved by the superintendent of the Missouri state 19 highway patrol and have completed the mandatory standards for the 20 basic training and licensure of peace officers established by the 21 peace officers standards and training commission under subsection
- 22 <u>1 of section 590.030, RSMo. Commercial vehicle officers who are</u> 23 employed and performing their duties on August 28, 2008, shall
- have until July 1, 2012, to comply with the mandatory standards
- 25 <u>regarding police officer basic training and licensure</u>.
- 26 Commercial vehicle enforcement officers shall have the right as 27 peace officers to bear arms.
- 28 5. Any additional employees needed for the implementation

- of this section shall be hired in conformity with the provisions of the federal fair employment and antidiscrimination acts.
- 6. Any part of this section which shall be construed to be in conflict with the axle or tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.
- 8 7. The superintendent may also appoint members of the 9 patrol who are certified under the commercial vehicle safety 10 alliance with the power to conduct commercial motor vehicle and driver inspections and to require the operator of any commercial 11 12 vehicle to stop and submit to said inspections to determine compliance with commercial vehicle laws, rules, and regulations; 13 14 compliance with the provisions of sections 303.024 and 303.025, 15 RSMo; and to submit to a cargo inspection when reasonable grounds 16 exist to cause belief that a vehicle is transporting hazardous 17 materials as defined by Title 49 of the Code of Federal 18 Regulations.
- 304.232. 1. The Missouri state highway patrol shall
 approve procedures for the certification of municipal police
 officers, sheriffs, deputy sheriffs, and other law enforcement
 officials that enforce sections 304.170 to 304.230.

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- 2. The certification procedures shall meet the requirements of the memorandum of understanding between the state of Missouri and the Commercial Vehicle Safety Alliance or any successor organization, as periodically adopted or amended.
- 27 <u>3. Commercial motor vehicle safety data collection,</u>
 28 management, and distribution by law enforcement officials shall

- 1 be compatible with the information systems of the Missouri state
- 2 <u>highway patrol.</u>
- 3 4. The Missouri state highway patrol shall establish
- 4 reasonable fees sufficient to recover the cost of training,
- 5 recurring training, data collection and management, certifying,
- 6 and additional administrative functions for law enforcement
- 7 officials approved under this section.
- 8 5. The agencies for which law enforcement officials
- 9 approved under this section shall adhere to the Motor Carrier
- 10 Safety Assistance Program requirements under 49 Code of Federal
- Regulations Part 350 of the Federal Motor Carrier Safety
- 12 Regulations.
- 13 6. The agencies for which law enforcement officials
- approved under this section shall be subject to periodic program
- 15 <u>reviews and be required to submit a commercial vehicle safety</u>
- 16 plan that is consistent with and incorporated into the statewide
- 17 enforcement plan.
- 7. Beginning January 1, 2009, no local law enforcement
- officer may conduct a random commercial motor vehicle roadside
- inspection to determine compliance with the provisions of
- 21 sections 304.170 to 304.230 unless the law enforcement officer
- 22 has satisfactorily completed, as a part of his or her training,
- 23 the basic course of instruction developed by the Commercial
- 24 Vehicle Safety Alliance and has been approved by the Missouri
- 25 state highway patrol under this section. Law enforcement
- officers authorized to enforce the provisions of sections 304.170
- 27 to 304.230 shall annually receive in-service training related to
- 28 commercial motor vehicle operations, including but not limited to

- 1 training in current federal motor carrier safety regulations,
- 2 safety inspection procedures, and out-of-service criteria. The
- 3 annual training requirements shall be approved by the
- 4 superintendent of the state highway patrol.
- 5 8. Law enforcement officers who have received Commercial
- Wehicle Safety Alliance certification prior to January 1, 2009,
- 7 shall be exempt from the provisions of this section and such
- 8 officers shall be qualified to conduct random roadside
- 9 inspections described under this section and section 304.230.
- 10 9. The superintendent of the state highway patrol shall
- 11 promulgate rules and regulations necessary to administer the
- certification procedures and any other provisions of this
- 13 section. Any rule or portion of a rule, as that term is defined
- in section 536.010, RSMo, that is created under the authority
- delegated in this section shall become effective only if it
- 16 complies with and is subject to all of the provisions of chapter
- 17 536, RSMo, and, if applicable, section 536.028, RSMo. This
- 18 section and chapter 536, RSMo, are nonseverable and if any of the
- powers vested with the general assembly pursuant to chapter 536,
- 20 RSMo, to review, to delay the effective date, or to disapprove
- 21 and annul a rule are subsequently held unconstitutional, then the
- grant of rulemaking authority and any rule proposed or adopted
- 23 <u>after August 28, 2008, shall be invalid and void.</u>
- 304.590. 1. As used in this section, the term "travel safe
- zone" means any area upon or around any highway, as defined in
- section 302.010, RSMo, which is visibly marked by the department
- of transportation; and when a highway safety analysis
- demonstrates fatal or disabling motor vehicle crashes exceed a

- 1 predicted safety performance level for comparable roadways as
- 2 <u>determined by the department of transportation.</u>
- 3 <u>2. Upon a conviction or a plea of quilty by any person for</u>
- 4 a moving violation as defined in section 302.010, RSMo, or any
- offense listed in section 302.302, RSMo, the court shall double
- 6 the amount of fine authorized to be imposed by law, if the moving
- 7 violation or offense occurred within a travel safe zone.
- 8 3. Upon a conviction or plea of guilty by any person for a
- 9 speeding violation under section 304.009 or 304.010, the court
- shall double the amount of fine authorized by law, if the
- 11 <u>violation occurred within a travel safe zone.</u>
- 12 <u>4. The penalty authorized under subsections 1 and 3 of this</u>
- section shall only be assessed by the court if the department of
- 14 <u>transportation has erected signs upon or around a travel safe</u>
- zone which are clearly visible from the highway and which state
- substantially the fo<u>llowing message: "Travel Safe Zone -- Fines</u>"
- 17 Doubled".
- 18 5. This section shall not be construed to enhance the
- assessment of court costs or the assessment of points under
- 20 section 302.302, RSMo.
- 21 305.230. 1. The state highways and transportation
- 22 commission shall administer an aeronautics program within this
- 23 state. The commission shall encourage, foster and participate
- 24 with the political subdivisions of this state in the promotion
- 25 and development of aeronautics. The commission may provide
- 26 financial assistance in the form of grants from funds
- 27 appropriated for such purpose to any political subdivision or
- instrumentality of this state acting independently or jointly or

to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

- 2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.
 - 3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

1 4. The moneys in the aviation trust fund shall be 2 administered by the commission and, when appropriated, shall be 3 used for the following purposes:

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- (1) As matching funds on an up to ninety percent state/ten percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:
- 9 (a) For preventive maintenance of runways, taxiways and 10 aircraft parking areas, and for emergency repairs of the same;
 - (b) For the acquisition of land for the development and improvement of airports;
- 13 (c) For the earthwork and drainage necessary for the
 14 construction, reconstruction or repair of runways, taxiways, and
 15 aircraft parking areas;
- (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;
 - (e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;
- 20 (f) For the identification, marking or removal of natural 21 or manmade obstructions to airport control zone surfaces and 22 safety areas;
- 23 (g) For the installation of runway, taxiway, boundary, 24 ramp, or obstruction lights, together with any work directly 25 related to the electrical equipment;
- 26 (h) For the erection of fencing on or around the perimeter of an airport;
 - (i) For purchase, installation or repair of air

navigational and landing aid facilities and communication
equipment;

- 3 (j) For engineering related to a project funded under the 4 provisions of this section and technical studies or consultation 5 related to aeronautics;
 - (k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;
 - (1) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;
 - (m) If at least six million dollars is deposited into the aviation trust fund in the previous calendar year, up to two million dollars may be expended annually upon the study or promotion of expanded domestic or international scheduled commercial service, the study or promotion of intrastate scheduled commercial service, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service;
 - (2) As total funds, with no local match:
 - (a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;
 - (b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and

- distribution of any public interest information deemed necessary by the commission;
- 3 (c) For the conducting of aviation safety workshops;
 - (d) For the promotion of aerospace education;

- (3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the United States Department of Defense, except no more than one hundred sixty-seven thousand dollars per year may be used for any individual control tower.
 - (4) As total funds with a local match, up to five hundred thousand dollars per year may be used for air traffic control towers partially funded by the federal government under a cost-share program. Any expenditures under this program require a non-federal match, comprised of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand dollars per year may be expended for any individual control tower.
 - 5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the commission. For projects designated as emergencies by the commission, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of 1 2 the state" shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned 3 or operated an airport on January 1, 1997, and continues to own 4 5 or operate such airport. 6 385.400. Sections 385.400 to 385.436 shall be known and may 7 be cited as the "Missouri Vehicle Protection Product Act". 8 385.403. As used in sections 385.400 to 385.436, the 9 following terms shall mean: 10 (1) "Administrator", a third party other than the warrantor who is designated by the warrantor to be responsible for the 11 12 administration of vehicle protection product warranties; (2) "Department", the department of insurance, financial 13 14 institutions and professional registration; 15 "Director", the director of the department of 16 insurance, financial institutions, and professional registration; 17 (4) "Incidental costs", expenses specified in the warranty incurred by the warranty holder related to the failure of the 18 19 vehicle protection product to perform as provided in the 20 warranty. Incidental costs may include, without limitation, 21 insurance policy deductibles, rental vehicle charges, the 22 difference between the actual value of the stolen vehicle at the 23 time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection 24 25 fees; 26 (5) "Premium", the consideration paid to an insurer for a 27 reimbursement insurance policy;

(6) "Service contract", a contract or agreement for a

separately stated consideration or for a specific duration to 1 2 perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or 3 4 maintenance, for the operational or structural failure due to a 5 defect in materials, workmanship, or normal wear and tear, with 6 or without additional provision for incidental payment of 7 indemnity under limited circumstances, including but not limited 8 to towing, rental, and emergency road service, but does not 9 include mechanical breakdown insurance or maintenance agreements; 10 (7) "Vehicle protection product", a vehicle protection device, system, or service that: 11 (a) Is installed on or applied to a vehicle; 12 13 (b) Is designed to prevent loss or damage to a vehicle from 14 a specific cause; and 15 (c) Includes a written vehicle protection product warranty. 16 For purposes of sections 385.400 to 385.436, the term "vehicle 17 protection product" shall include, without limitation, alarm systems, body part marking products, steering locks, window etch 18 19 products, pedal and ignition locks, fuel and ignition kill 20 switches, and electronic, radio, and satellite tracking devices; 21 (8) "Vehicle protection product warranty" or "warranty", a 22 written agreement by a warrantor that provides that if the vehicle protection product fails to prevent loss or damage to a 23 vehicle from a specific cause, then the warranty holder shall be 24 25 paid specified incidental costs by the warrantor as a result of 26 the failure of the vehicle protection product to perform pursuant to the terms of the warranty. Incidental costs may be reimbursed 27 28 under the provisions of the warranty in either a fixed amount

- 1 specified in the warranty or sales agreement or by the use of a
- 2 formula itemizing specific incidental costs incurred by the
- 3 warranty holder;
- 4 (9) "Vehicle protection product warrantor" or "warrantor",
- 5 a person who is contractually obligated to the warranty holder
- 6 under the terms of the vehicle protection product warranty
- 7 agreement. "Warrantor" does not include an authorized insurer
- 8 providing a warranty reimbursement insurance policy;
- 9 (10) "Warranty holder", the person who purchases a vehicle
- 10 protection product or who is a permitted transferee;
- 11 (11) "Warranty reimbursement insurance policy", a policy of
- insurance that is issued to the vehicle protection product
- warrantor to provide reimbursement to the warrantor or to pay on
- behalf of the warrantor all covered contractual obligations
- incurred by the warrantor under the terms and conditions of the
- 16 insured vehicle protection product warranties sold by the
- warrantor.
- 18 385.406. 1. No vehicle protection product may be sold or
- offered for sale in this state unless the seller, warrantor, and
- administrator, if any, comply with the provisions of sections
- 21 <u>385.400 to 385.436.</u>
- 22 2. Vehicle protection product warrantors and related
- 23 vehicle protection product sellers and warranty administrators
- complying with sections 385.400 to 385.436 are not required to
- 25 comply with and are not subject to any other provisions of the
- 26 state insurance code.
- 27 <u>3. Service contract providers</u> who do not sell vehicle
- 28 protection products are not subject to the requirements of

- 1 sections 385.400 to 385.436 and sales of vehicle protection
- 2 products are exempt from the requirements of sections 385.200 to
- 3 385.220.
- 4. Warranties, indemnity agreements, and guarantees that
- 5 are not provided as a part of a vehicle protection product are
- 6 not subject to the provisions of sections 385.400 to 385.436.
- 7 5. Notwithstanding the provisions of sections 408.140 and
- 8 408.233, RSMo, a business which is licensed and regulated under
- 9 sections 367.100 to 367.215 or sections 367.500 to 367.533, RSMo,
- 10 may offer and sell service contracts, as defined in sections
- 385.200, 385.300, and 385.403, in conjunction with other
- 12 <u>transactions so long as such business complies with all other</u>
- requirements of chapter 385.
- 14 385.409. 1. A person may not operate as a warrantor or
- represent to the public that the person is a warrantor unless the
- 16 person is registered with the department on a form prescribed by
- 17 the director.
- 18 2. Warrantor registration records shall be filed annually
- and shall be updated within thirty days of any change. The
- 20 registration records shall contain the following information:
- 21 (1) The warrantor's name, any fictitious names under which
- 22 the warrantor does business in the state, principal office
- 23 address, and telephone number;
- 24 (2) The name and address of the warrantor's agent for
- 25 <u>service of process in the state if other than the warrantor;</u>
- 26 (3) The names of the warrantor's executive officer or
- 27 officers directly responsible for the warrantor's vehicle
- 28 protection product business;

- 1 (4) The name, address, and telephone number of any
- 2 administrators designated by the warrantor to be responsible for
- 3 the administration of vehicle protection product warranties in
- 4 this state;
- 5 (5) A copy of the warranty reimbursement insurance policy
- or policies or other financial information required by section
- 7 385.412;
- 8 (6) A copy of each warranty the warrantor proposes to use
- 9 in this state; and
- 10 _____(7) A statement indicating under which provision of section
- 11 <u>385.412 the warrantor qualifies to do business in this state as a</u>
- warrantor.
- 3. The director may charge each registrant a reasonable fee
- 14 to offset the cost of processing the registration and maintaining
- the records in an amount not to exceed five hundred dollars
- annually or as set by regulation. The information in
- subdivisions (1) and (2) of subsection 2 of this section shall be
- 18 made available to the public.
- 19 4. If a registrant fails to register by the renewal
- deadline, the director shall give him or her written notice of
- 21 the failure and the registrant will have thirty days to complete
- 22 the renewal of his or her registration before he or she is
- 23 suspended from being registered in this state.
- 24 5. An administrator or person who sells or solicits a sale
- of a vehicle protection product but who is not a warrantor shall
- 26 not be required to register as a warrantor or be licensed under
- 27 the insurance laws of this state to sell vehicle protection
- 28 products.

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385.412. No vehicle protection product shall be sold or
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      offered for sale in this state unless the warrantor conforms to
      either subdivision (1) or (2) of this section in order to ensure
 3
      adequate performance under the warranty. No other financial
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      security requirements or financial standards for warrantors shall
 6
      be required. The vehicle protection product's warrantor may meet
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      the requirements of this section by:
 8
           (1) Obtaining a warranty reimbursement insurance policy
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      issued by an insurer authorized to do business within this state
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      which provides that the insurer will pay to, or on behalf of, the
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      warrantor one hundred percent of all sums that the warrantor is
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      legally obligated to pay according to the warrantor's contractual
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      obligations under the warrantor's vehicle protection product
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      warranty. The warrantor shall file a true and correct copy of
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      the warranty reimbursement insurance policy with the director.
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      The policy shall contain the provisions required in section
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      385.415; or
           (2) Maintaining a net worth or stockholder's equity of
18
      fifty million dollars. The warrantor shall provide the director
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      with a copy of the warrantor's or warrantor's parent company's
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      most recent Form 10-K or Form 20-F filed with the Securities and
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      Exchange Commission within the last calendar year, or if the
23
      warrantor does not file with the Securities and Exchange
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      Commission, a copy of the warrantor or the warrantor's parent
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      company's audited financial statements that shows a net worth of
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      the warrantor or its parent company of at least fifty million
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      dollars. If the warrantor's parent company's Form 10-K, Form 20-
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      F, or audited financial statements are filed to meet the
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- 1 warrantor's financial stability requirement, then the parent 2 company shall agree to guarantee the obligations of the warrantor relating to warranties issued by the warrantor in this state. 3 4 The financial information filed under this subdivision shall be 5 confidential as a trade secret of the entity filing the 6 information and not subject to public disclosure if the entity is 7 not required to file with the Securities and Exchange Commission. 385.415. No warranty reimbursement insurance policy shall 8 9 be issued, sold, or offered for sale in this state unless the 10 policy meets the following conditions: 11 (1) The policy states that the issuer of the policy will 12 reimburse or pay on behalf of the vehicle protection product 13 warrantor all covered sums which the warrantor is legally 14 obligated to pay or will provide that all service that the 15 warrantor is legally obligated to perform according to the 16 warrantor's contractual obligations under the provisions of the 17 insured warranties sold by the warrantor; 18 (2) The policy states that in the event payment due under 19 the terms of the warranty is not provided by the warrantor within 20 sixty days after proof of loss has been filed according to the 21 terms of the warranty by the warranty holder, the warranty holder 22 may file directly with the warranty reimbursement insurance company for reimbursement; 23 24 (3) The policy provides that a warranty reimbursement 25 insurance company that insures a warranty shall be deemed to have 26 received payment of the premium if the warranty holder paid for
 - policy shall not be reduced or relieved by a failure of the

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the vehicle protection product and insurer's liability under the

warrantor, for any reason, to report the issuance of a warranty 1 2 to the insurer; and (4) The policy has the following provisions regarding 3 4 cancellation of the policy: 5 The issuer of a reimbursement insurance policy shall (a) 6 not cancel such policy until a notice of cancellation in writing 7 has been mailed or delivered to the director and each insured 8 warrantor sixty days prior to cancellation of the policy; 9 (b) The cancellation of a reimbursement insurance policy 10 shall not reduce the issuer's responsibility for vehicle protection products sold prior to the date of cancellation; and 11 12 (c) In the event an insurer cancels a policy that a 13 warrantor has filed with the director, the warrantor shall do 14 either of the following: 15 a. File a copy of a new policy with the director, before 16 the termination of the prior policy; or 17 b. Discontinue offering warranties as of the termination date of the policy until a new policy becomes effective and is 18 19 accepted by the director. 20 385.418. 1. Every vehicle protection product warranty 21 shall be written in clear, understandable language and shall be 22 printed or typed in an easy-to-read point size and font and shall 23 not be issued, sold, or offered for sale in the state unless the 24 warranty: 25 (1) States that the obligations of the warrantor to the 26 warranty holder are quaranteed under a warranty reimbursement 27 insurance policy if the warrantor elects to meet its financial 28 responsibility obligations under subdivision (1) of section

- 1 385.412, or states the obligations of the warrantor under this
- 2 warranty are backed by the full faith and credit of the warrantor
- 3 <u>if the warrantor elects to meet its financial responsibility</u>
- 4 under subdivision (2) of section 385.412;
- 5 (2) States that in the event a warranty holder must make a
- 6 claim against a party other than the warrantor, the warranty
- 7 holder is entitled to make a direct claim against the warranty
- 8 reimbursement insurer upon the failure of the warrantor to pay
- 9 any claim or meet any obligation under the terms of the warranty
- 10 within sixty days after proof of loss has been filed with the
- 11 <u>warrantor</u>, if the warrantor elects to meet its financial
- 12 <u>responsibility obligations under subdivision (1) of section</u>
- 13 <u>385.412;</u>
- 14 (3) States the name and address of the insurer of the
- warranty reimbursement insurance policy, and this information
- 16 need not be preprinted on the warranty form but may be stamped on
- 17 the warranty, if the warrantor elects to meet its financial
- 18 responsibility obligations under subdivision (1) of section
- 19 385.412;
- 20 (4) Identifies the warrantor, the seller, and the warranty
- 21 <u>holder;</u>
- 22 (5) Sets forth the total purchase price of the vehicle
- 23 protection product warranty and the terms under which it is to be
- 24 paid; however, the purchase price is not required to be
- 25 preprinted on the vehicle protection product warranty and may be
- 26 negotiated with the consumer at the time of sale;
- 27 (6) Sets forth the procedure for making a claim, including
- 28 a telephone number;

1	(7) States the existence of a deductible amount, if any;
2	(8) Specifies the payments or performance to be provided
3	under the warranty including payments for incidental costs, the
4	manner of calculation or determination of payments or
5	performance, and any limitations, exceptions, or exclusions;
6	(9) Sets forth all of the obligations and duties of the
7	warranty holder such as the duty to protect against further
8	damage to the vehicle, the obligation to notify the warrantor in
9	advance of any repair, or other similar requirements, if any;
10	(10) Sets forth any terms, restrictions, or conditions
11	governing transferability of the warranty, if any; and
12	(11) Contains a disclosure that reads substantially as
13	follows: "This agreement is a product warranty and is not
14	insurance".
15	2. At the time of sale, the seller or warrantor shall
16	<pre>provide to the purchaser:</pre>
17	(1) A copy of the vehicle protection product warranty; or
18	(2) A receipt or other written evidence of the purchase of
19	the vehicle protection product and a copy of the warranty within
20	thirty days of the date of purchase.
21	385.421. 1. No vehicle protection product may be sold or
22	offered for sale in this state unless the vehicle protection
23	product warranty states the terms and conditions governing the
24	cancellation of the sale and warranty, if any.
25	2. The warrantor may only cancel the warranty if the
26	warranty holder does any of the following:
27	(1) Fails to pay for the vehicle protection product;
28	(2) Makes a material misrepresentation to the seller or

- 1 warrantor; 2 (3) Commits fraud; or (4) Substantially breaches the warranty holder's duties 3 4 under the warranty. 5 3. A warrantor canceling a warranty shall mail written 6 notice of cancellation to the warranty holder at the last known 7 address of the warranty holder in the warrantor's records at 8 least thirty days prior to the effective date of the cancellation. The notice shall state the effective date of the 9 10 cancellation and the reason for the cancellation. 385.424. 1. Unless licensed as an insurance company, a 11 vehicle protection product warrantor shall not use in its name, 12 contracts, or literature the words "insurance", "casualty", 13 14 "surety", "mutual", or any other word that is descriptive of the 15 insurance, casualty, or surety business or that is deceptively 16 similar to the name or description of any insurance or surety 17 corporation or any other vehicle protection product warrantor. A warrantor may use the term "quaranty" or a similar word in the 18 19 warrantor's name. A warrantor or its representative shall not in 20 its vehicle protection product warranties or literature make, 21 permit, or cause to be made any false or misleading statement, or 22 deliberately omit any material statement that would be considered 23 misleading if omitted, in connection with the sale, offer to 24 sell, or advertisement of a vehicle protection product warranty. 25 2. A vehicle protection product seller or warrantor may not 26 require as a condition of financing that a retail purchaser of a 27 motor vehicle purchase a vehicle protection product.
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385.427. 1. All vehicle protection product warrantors

- shall keep accurate accounts, books, and records concerning
 transactions regulated under sections 385.400 to 385.436.
- 3 2. A vehicle protection product warrantor's accounts,
- 4 books, and records shall include:
- 5 (1) Copies of all vehicle protection product warranties;
- 6 (2) The name and address of each warranty holder; and
- 7 (3) Claims files which shall contain at least the dates,
- 8 amounts, and descriptions of all receipts, claims, and
- 9 <u>expenditures.</u>
- 10 <u>3. A vehicle protection product warrantor shall retain all</u>
- 11 required accounts, books, and records pertaining to each warranty
- 12 <u>holder for at least three years after the specified period of</u>
- 13 <u>coverage has expired.</u> A warrantor discontinuing business in the
- 14 <u>state shall maintain its records until it furnishes the director</u>
- 15 <u>satisfactory proof that it has discharged all obligations to</u>
- warranty holders in this state.
- 17 4. Vehicle protection product warrantors shall make all
- 18 accounts, books, and records concerning transactions regulated
- 19 <u>under sections 385.400 to 385.436 available to the director for</u>
- 20 examination.
- 21 385.430. 1. The director may conduct examinations of
- 22 warrantors, administrators, or other persons to enforce sections
- 23 385.400 to 385.436 and protect warranty holders in this state.
- 24 Upon request of the director, a warrantor shall make available to
- 25 the director all accounts, books, and records concerning vehicle
- 26 protection products provided by the warrantor that are necessary
- 27 to enable the director to reasonably determine compliance or
- 28 noncompliance with sections 385.400 to 385.436.

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2. If the director determines that a person has engaged, is
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      engaging in, or has taken a substantial step toward engaging in
      an act, practice, or course of business constituting a violation
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      of sections 385.400 to 385.436 or a rule adopted or order issued
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      pursuant thereto, or a person has materially aided or is
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      materially aiding an act, practice, omission, or course of
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      business constituting a violation of sections 385.400 to 385.436
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      or a rule adopted or order issued pursuant thereto, the director
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      may issue such administrative orders as authorized under section
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      374.046, RSMo. A violation of these sections is a level two
      violation under section 374.049, RSMo.
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          3. If the director believes that a person has engaged, is
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      engaging in, or has taken a substantial step toward engaging in
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      an act, practice, or course of business constituting a violation
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      of sections 385.400 to 385.436 or a rule adopted or order issued
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      pursuant thereto, or that a person has materially aided or is
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      materially aiding an act, practice, omission, or course of
      business constituting a violation of sections 385.400 to 385.436
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      or a rule adopted or order issued pursuant thereto, the director
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      may maintain a civil action for relief authorized under section
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      374.048, RSMo. A violation of these sections is a level two
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      violation under section 374.049, RSMo.
           385.433. The director may promulgate rules and regulations
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      to implement the provisions of sections 385.400 to 385.436. Such
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      rules and regulations shall include disclosures for the benefit
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      of the warranty holder, record keeping, and procedures for public
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      complaints. Any rule or portion of a rule, as that term is
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      defined in section 536.010, RSMo, that is created under the
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1 authority delegated in this section shall become effective only
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- 2 if it complies with and is subject to all of the provisions of
- 3 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
- 4 This section and chapter 536, RSMo, are nonseverable and if any
- of the powers vested with the general assembly pursuant to
- 6 chapter 536, RSMo, to review, to delay the effective date, or to
- 7 disapprove and annul a rule are subsequently held
- 8 unconstitutional, then the grant of rulemaking authority and any
- 9 rule proposed or adopted after January 1, 2009, shall be invalid
- 10 and void.
- 11 385.436. Sections 385.400 to 385.436 applies to all vehicle
- 12 protection products sold or offered for sale on or after January
- 13 <u>1, 2009</u>. The failure of any person to comply with sections
- 14 <u>385.400 to 385.436 prior to January 1, 2009, shall not be</u>
- admissible in any court proceeding, administrative proceeding,
- 16 arbitration, or alternative dispute resolution proceeding and may
- 17 not otherwise be used to prove that the action of any person or
- 18 the affected vehicle protection product was unlawful or otherwise
- improper. The adoption of sections 385.400 to 385.436 does not
- 20 imply that a vehicle protection product warranty was insurance
- 21 prior to January 1, 2009. The penalty provision of sections
- 385.400 to 385.436 do not apply to any violation of sections
- 23 385.400 to 385.436 relating to or in connection with the sale or
- 24 failure to disclose in a retail installment contract or lease, or
- 25 contract or agreement that provides for payments under a vehicle
- 26 protection product warranty so long as the sale of such product,
- 27 contract, or agreement was otherwise disclosed to the purchaser
- in writing at the time of the purchase or lease.

- 1 390.021. 1. The provisions of this section shall be
- 2 applicable, notwithstanding any provisions of section 390.030 to
- 3 the contrary.
- 4 2. As used in chapter 622, RSMo, and in this section,
- 5 except when the context clearly requires otherwise, the following
- 6 terms shall mean:
- 7 (1) "UCR implementing regulations", includes the
- 8 regulations issued by the United States Secretary of
- 9 Transportation under 49 U.S.C.A. Section 13908, the rules and
- 10 regulations issued by the board of directors of the Unified
- 11 Carrier Registration (UCR) plan under 49 U.S.C.A. Section 14504a,
- and the administrative rules adopted by the state highways and
- transportation commission under this section;
- 14 (2) "Unified Carrier Registration Act", or "UCR Act",
- sections 4301 to 4308 of the Unified Carrier Registration Act of
- 2005, within subtitle C of title IV of the "Safe, Accountable,
- 17 Flexible, Efficient Transportation Equity Act: A Legacy For
- 18 Users" or "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as
- 19 those sections have been and periodically may be amended.
- 20 3. Except when the context clearly requires otherwise, the
- definitions of words in 49 U.S.C.A. Sections 13102, 13908, and
- 22 14504a shall apply to and determine the meaning of those words as
- 23 used in this section.
- 4. In carrying out and being subject to the provisions of
- 25 the UCR Act, the Unified Carrier Registration (UCR) agreement,
- 26 the UCR implementing regulations, and this section, but
- 27 notwithstanding any other provisions of law to the contrary, the
- 28 state highways and transportation commission may:

1	(1) Submit to the proper federal authorities, amend and
2	carry out a state plan to qualify as a base-state and to
3	participate in the UCR plan and administer the UCR agreement, and
4	take other necessary actions as the designated representative of
5	the state of Missouri so that:
6	(a) Missouri domiciled entities who must register and pay
7	UCR registration fees are not required to register and pay those
8	fees in a base-state other than the state of Missouri;
9	(b) The state of Missouri does not forfeit UCR registration
10	fee revenues; and
11	(c) The state of Missouri may maintain its eligibility to
12	receive the maximum allowable allocations of revenues derived
13	under the UCR agreement;
14	(2) Administer the UCR registration of Missouri domiciled
15	motor carriers, motor private carriers, brokers, freight
16	forwarders and leasing companies, and such persons domiciled in
17	nonparticipating states who have designated this state as their
18	base-state under the UCR Act;
19	(3) Receive, collect, process, deposit, transfer,
20	distribute, and refund UCR registration fees relating to any of
21	the persons and activities described in this section.
22	Notwithstanding any provisions of law to the contrary, these UCR
23	registration fees collected by the commission are hereby
24	designated as "nonstate funds" within the meaning of section 15,
25	article IV, Constitution of Missouri, and the commission shall
26	transmit these funds to the state department of revenue for
27	deposit to the credit of the state highways and transportation
28	department fund. The commission shall, from time to time, direct

- 1 the payment of, and the director of revenue shall pay, the fees
- 2 so deposited, in accordance with the provisions of the UCR Act,
- 3 the UCR agreement, and the UCR implementing regulations. The
- 4 director of revenue shall credit all income derived from the
- 5 investment of these funds to the state highways and
- 6 transportation department fund;
- 7 (4) Exercise all other powers, duties, and functions the
- 8 UCR Act requires of or allows a participating state or
- 9 base-state;
- 10 (5) Promulgate administrative rules and issue specific
- orders relating to any of the persons and activities described in
- 12 this section. Any rule or portion of a rule, as that term is
- defined in section 536.010, RSMo, that is created under the
- 14 authority delegated in this section shall become effective only
- if it complies with and is subject to all of the provisions of
- 16 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
- 17 This section and chapter 536, RSMo, are nonseverable and if any
- of the powers vested with the general assembly pursuant to
- 19 chapter 536, RSMo, to review, to delay the effective date, or to
- disapprove and annul a rule are subsequently held
- 21 <u>unconstitutional</u>, then the grant of rulemaking authority and any
- rule proposed or adopted after August 28, 2008, shall be invalid
- 23 and void;
- 24 (6) Enter into agreements with any agencies or officers of
- 25 the United States, or of any state that participates or intends
- to enter into the UCR agreement; and
- 27 (7) Delegate any or all of the powers, duties, and
- 28 functions of the commission under this section to any agent or

- 1 contractor.
- 2 5. After the commission has entered into the UCR plan on
- 3 behalf of this state, the requirements in the UCR agreement shall
- 4 take precedence over any conflicting requirements under chapter
- 5 622, RSMo, or this chapter.
- 6. Notwithstanding any other provisions of law to the
- 7 contrary, every motor carrier, motor private carrier, broker,
- 8 freight forwarder, and leasing company that has its principal
- 9 place of business within this state, and every such person who
- 10 has designated this state as the person's base-state under the
- 11 provisions of the UCR Act, shall timely complete and file with
- 12 the state highways and transportation commission all the forms
- required by the UCR agreement and the UCR implementing
- regulations, and shall pay the required UCR registration fees to
- 15 the commission.
- 16 7. All powers of the commission under section 226.008,
- 17 RSMo, are hereby made applicable to the enforcement of this
- 18 section with reference to any person subject to any provision of
- 19 this section. The chief counsel shall not be required to exhaust
- 20 any administrative remedies before commencing any enforcement
- 21 actions under this section. The provisions of chapter 622, RSMo,
- 22 shall apply to and govern the practice and procedures before the
- 23 courts in those actions.
- 8. Except as required by the UCR Act, the UCR agreement, or
- 25 the UCR implementing regulations, the provisions of this section
- and the rules adopted by the commission under this section shall
- 27 not be construed as <u>exempting any motor carrier</u>, or any person
- 28 <u>controlled by a motor carrier, from any of the requirements of</u>

- 1 chapter 622, RSMo, or this chapter, relating to the
- 2 transportation of passengers or property in intrastate commerce.
- 9. Notwithstanding any other provision of this section to
- 4 the contrary, Missouri elects to not apply the provisions of the
- 5 UCR Act, the UCR Agreement, and the UCR implementing regulations
- 6 to motor carriers and motor private carriers that operate solely
- 7 in intrastate commerce transporting farm or dairy products,
- 8 including livestock, from a farm, or property from farm to farm,
- 9 or stocker and feeder livestock from farm to farm, or from market
- 10 to farm.
- 11 _____390.372. 1. Notwithstanding any provision of law to the
- 12 contrary, a provision, clause, covenant, or agreement contained
- in, collateral to, or affecting a motor carrier transportation
- contract that purports to indemnify, defend, or hold harmless, or
- 15 <u>has the effect of indemnifying, defending, or holding harmless,</u>
- 16 the promisee from or against any liability for loss or damage
- 17 resulting from the negligence or intentional acts or omissions of
- 18 the promisee is against the public policy of this state and is
- 19 <u>void and unenforceable.</u>
- 20 2. For the purposes of this section, the following terms
- 21 <u>shall mean:</u>
- 22 (1) "Motor carrier transportation contract", a contract,
- 23 agreement, or understanding covering:
- 24 (a) The transportation of property for compensation or hire
- 25 by the motor carrier;
- 26 (b) The entrance on property by the motor carrier for the
- 27 purpose of loading, unloading, or transporting property for
- 28 compensation or hire; or

- 1 (c) A service incidental to activity described in
- 2 paragraphs (a) and (b) of this subdivision, including but not
- 3 limited to, storage of property;

- 5 "Motor carrier transportation contract" shall not include the
- 6 Uniform Intermodal Interchange and Facilities Access Agreement
- 7 administered by the Intermodal Association of North America or
- 8 other agreements providing for the interchange, use or possession
- 9 of intermodal chassis, or other intermodal equipment;
- 10 (2) "Promisee", the promisee and any agents, employees,
- 11 <u>servants</u>, or independent contractors who are directly responsible
- to the promisee except for motor or rail carriers who are party
- 13 to a motor carrier transportation contract, and such motor or
- 14 <u>rail carrier's agents, employees, servants, or independent</u>
- 15 contractors directly responsible to such motor or rail carriers.
- 16 577.023. 1. For purposes of this section, unless the
- 17 context clearly indicates otherwise:
- 18 (1) An "aggravated offender" is a person who:
- 19 (a) Has pleaded guilty to or has been found guilty of three
- 20 or more intoxication-related traffic offenses; or
- 21 (b) Has pleaded guilty to or has been found guilty of one
- 22 or more intoxication-related traffic offense and, in addition,
- 23 any of the following: involuntary manslaughter under subdivision
- 24 (2) or (3) of subsection 1 of section 565.024, RSMo; murder in
- 25 the second degree under section 565.021, RSMo, where the
- 26 underlying felony is an intoxication-related traffic offense; or
- 27 assault in the second degree under subdivision (4) of subsection
- 1 of section 565.060, RSMo; or assault of a law enforcement

- officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;
- 3 (2) A "chronic offender" is:

- 4 (a) A person who has pleaded guilty to or has been found 5 guilty of four or more intoxication-related traffic offenses; or
 - (b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or
 - (c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;
 - (3) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of

degree under section 565.021, RSMo, where the underlying felony
is an intoxication-related traffic offense, assault in the second
degree pursuant to subdivision (4) of subsection 1 of section
565.060, RSMo, assault of a law enforcement officer in the second
degree pursuant to subdivision (4) of subsection 1 of section
565.082, RSMo, or driving under the influence of alcohol or drugs

subsection 1 of section 565.024, RSMo, murder in the second

- in violation of state law or a county or municipal ordinance,

 where the defendant was represented by or waived the right to an

 attorney in writing;
 - (4) A "persistent offender" is one of the following:
 - (a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;
 - (b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and
 - (5) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.
 - 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

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- 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.
- 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.
- No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eliqible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eliqible for parole or probation until he or she has served a minimum of sixty days

- 1 imprisonment. No chronic offender shall be eligible for parole
- 2 or probation until he or she has served a minimum of two years
- 3 imprisonment.
- 7. The state, county, or municipal court shall find the
- 5 defendant to be a prior offender, persistent offender, aggravated
- offender, or chronic offender if:
- 7 (1) The indictment or information, original or amended, or
- 8 the information in lieu of an indictment pleads all essential
- 9 facts warranting a finding that the defendant is a prior offender
- or persistent offender; and
- 11 (2) Evidence is introduced that establishes sufficient
- 12 facts pleaded to warrant a finding beyond a reasonable doubt the
- defendant is a prior offender, persistent offender, aggravated
- offender, or chronic offender; and
- 15 (3) The court makes findings of fact that warrant a finding
- 16 beyond a reasonable doubt by the court that the defendant is a
- 17 prior offender, persistent offender, aggravated offender, or
- 18 chronic offender.
- 19 8. In a jury trial, the facts shall be pleaded, established
- and found prior to submission to the jury outside of its hearing.
- 21 9. In a trial without a jury or upon a plea of quilty, the
- court may defer the proof in findings of such facts to a later
- 23 time, but prior to sentencing.
- 24 10. The defendant shall be accorded full rights of
- confrontation and cross-examination, with the opportunity to
- 26 present evidence, at such hearings.
- 27 11. The defendant may waive proof of the facts alleged.
- 28 12. Nothing in this section shall prevent the use of

- 1 presentence investigations or commitments.
- 2 13. At the sentencing hearing both the state, county, or
- 3 municipality and the defendant shall be permitted to present
- 4 additional information bearing on the issue of sentence.
- 5 14. The pleas or findings of guilty shall be prior to the
- 6 date of commission of the present offense.
- 7 15. The court shall not instruct the jury as to the range
- 8 of punishment or allow the jury, upon a finding of guilty, to
- 9 assess and declare the punishment as part of its verdict in cases
- of prior offenders, persistent offenders, aggravated offenders,
- 11 or chronic offenders.
- 12 16. Evidence of <u>a prior [convictions] conviction, plea of</u>
- 13 <u>quilty</u>, or finding of quilty in an intoxication-related traffic
- offense shall be heard and determined by the trial court out of
- 15 the hearing of the jury prior to the submission of the case to
- the jury, and shall include but not be limited to evidence of
- 17 convictions received by a search of the records of the Missouri
- 18 uniform law enforcement system maintained by the Missouri state
- 19 highway patrol. After hearing the evidence, the court shall
- 20 enter its findings thereon. A [conviction of a violation of a
- 21 municipal or county ordinance in a county or municipal court for
- driving while intoxicated or all conviction or a plea of guilty or
- 23 a finding of guilty followed by incarceration, a fine, a
- 24 suspended imposition of sentence, suspended execution of
- 25 sentence, probation or parole or any combination thereof in any
- 26 <u>intoxication-related traffic offense in</u> a state, county,
- 27 municipal court, or any combination thereof, shall be treated as
- 28 a prior [conviction] plea of guilty or finding of guilty for

purposes of this section.

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2 577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or (3) of subsection 1 of 3 section 577.020, refuses upon the request of the officer to 5 submit to any test allowed pursuant to section 577.020, then none 6 shall be given and evidence of the refusal shall be admissible in 7 a proceeding pursuant to section 565.024, 565.060, or 565.082, RSMo, or section 577.010 or 577.012. The request of the officer 8 9 shall include the reasons of the officer for requesting the 10 person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such 11 12 person and that the person's license shall be immediately revoked 13 upon refusal to take the test. If a person when requested to 14 submit to any test allowed pursuant to section 577.020 requests 15 to speak to an attorney, the person shall be granted twenty 16 minutes in which to attempt to contact an attorney. If upon the 17 completion of the twenty-minute period the person continues to 18 refuse to submit to any test, it shall be deemed a refusal. Ιn 19 this event, the officer shall, on behalf of the director of 20 revenue, serve the notice of license revocation personally upon 21 the person and shall take possession of any license to operate a 22 motor vehicle issued by this state which is held by that person. 23 The officer shall issue a temporary permit, on behalf of the 24 director of revenue, which is valid for fifteen days and shall 25 also give the person a notice of such person's right to file a 26 petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public

- official. The report shall be forwarded to the director of revenue and shall include the following:
- 3 (1) That the officer has:

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- 4 (a) Reasonable grounds to believe that the arrested person
 5 was driving a motor vehicle while in an intoxicated or drugged
 6 condition; or
 - (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
 - (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;
 - (2) That the person refused to submit to a chemical test;
- 18 (3) Whether the officer secured the license to operate a
 19 motor vehicle of the person;
- 20 (4) Whether the officer issued a fifteen-day temporary 21 permit;
 - (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and
- 26 (6) Any license to operate a motor vehicle which the officer has taken into possession.
- 3. Upon receipt of the officer's report, the director shall

- revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.
- 8 If a person's license has been revoked because of the 9 person's refusal to submit to a chemical test, such person may 10 petition for a hearing before a circuit or associate circuit 11 court in the county in which the arrest or stop occurred. 12 person may request such court to issue an order staying the 13 revocation until such time as the petition for review can be 14 If the court, in its discretion, grants such stay, it 15 shall enter the order upon a form prescribed by the director of 16 revenue and shall send a copy of such order to the director. 17 Such order shall serve as proof of the privilege to operate a 18 motor vehicle in this state and the director shall maintain 19 possession of the person's license to operate a motor vehicle 20 until termination of any revocation pursuant to this section. 21 Upon the person's request the clerk of the court shall notify the 22 prosecuting attorney of the county and the prosecutor shall 23 appear at the hearing on behalf of the director of revenue. At. 24 the hearing the court shall determine only:
 - (1) Whether or not the person was arrested or stopped;
 - (2) Whether or not the officer had:

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(a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged

- 1 condition; or
- 2 (b) Reasonable grounds to believe that the person stopped,
- 3 being under the age of twenty-one years, was driving a motor
- 4 vehicle with a blood alcohol content of two-hundredths of one
- 5 percent or more by weight; or
- 6 (c) Reasonable grounds to believe that the person stopped,
- 7 being under the age of twenty-one years, was committing a
- 8 violation of the traffic laws of the state, or political
- 9 subdivision of the state, and such officer had reasonable grounds
- 10 to believe, after making such stop, that the person had a blood
- alcohol content of two-hundredths of one percent or greater; and
- 12 (3) Whether or not the person refused to submit to the
- 13 test.
- 14 5. If the court determines any issue not to be in the
- 15 affirmative, the court shall order the director to reinstate the
- 16 license or permit to drive.
- 17 6. Requests for review as provided in this section shall go
- 18 to the head of the docket of the court wherein filed.
- 7. No person who has had a license to operate a motor
- vehicle suspended or revoked pursuant to the provisions of this
- 21 section shall have that license reinstated until such person has
- 22 participated in and successfully completed a substance abuse
- traffic offender program defined in section 577.001, or a program
- determined to be comparable by the department of mental health or
- 25 the court. Assignment recommendations, based upon the needs
- assessment as described in subdivision (22) of section 302.010,
- 27 RSMo, shall be delivered in writing to the person with written
- 28 notice that the person is entitled to have such assignment

recommendations reviewed by the court if the person objects to 1 2 the recommendations. The person may file a motion in the associate division of the circuit court of the county in which 3 such assignment was given, on a printed form provided by the 5 state courts administrator, to have the court hear and determine 6 such motion pursuant to the provisions of chapter 517, RSMo. 7 motion shall name the person or entity making the needs 8 assessment as the respondent and a copy of the motion shall be 9 served upon the respondent in any manner allowed by law. Upon 10 hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based 11 12 upon a review of the needs assessment, the person's driving 13 record, the circumstances surrounding the offense, and the 14 likelihood of the person committing a like offense in the future, 15 except that the court may modify but may not waive the assignment 16 to an education or rehabilitation program of a person determined 17 to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor 18 19 vehicle with fifteen-hundredths of one percent or more by weight 20 in such person's blood. Compliance with the court determination 21 of the motion shall satisfy the provisions of this section for 22 the purpose of reinstating such person's license to operate a 23 motor vehicle. The respondent's personal appearance at any 24 hearing conducted pursuant to this subsection shall not be 25 necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall

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be paid by the person enrolled in the program. Any person who is 1 2 enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the 3 department of mental health for the purposes of funding the 5 substance abuse traffic offender program defined in section 6 302.010, RSMo, and section 577.001. The administrator of the 7 program shall remit to the division of alcohol and drug abuse of 8 the department of mental health on or before the fifteenth day of 9 each month the supplemental fee for all persons enrolled in the 10 program, less two percent for administrative costs. Interest 11 shall be charged on any unpaid balance of the supplemental fees 12 due the division of alcohol and drug abuse pursuant to this 13 section and shall accrue at a rate not to exceed the annual rates 14 established pursuant to the provisions of section 32.065, RSMo, 15 plus three percentage points. The supplemental fees and any 16 interest received by the department of mental health pursuant to 17 this section shall be deposited in the mental health earnings 18 fund which is created in section 630.053, RSMo.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of

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said fees and interest accrued. The court shall assess attorney
fees and court costs against any delinquent program.

vehicle revoked more than once for violation of the provisions of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be quilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eliqible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation.

Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked and the person shall be quilty of a class A misdemeanor.

577.600. 1. In addition to any other provisions of law, a court may require that any person who is found quilty of or pleads quilty to a first intoxication-related traffic offense, as defined in section 577.023, and a court shall require that any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined in section 577.023, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than [one month] six months from the date of reinstatement of the person's driver's In addition, any court authorized to grant a limited driving privilege under section 302.309, RSMo, to any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege. requirements shall be in addition to any other provisions of this chapter or chapter 302, RSMo, requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device, either under the provisions of this chapter or chapter 302, RSMo, shall comply with [the court order,] such requirement subject to the penalties provided by this section.

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2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to have had that person's driving privilege restricted as provided in subsection 1 of this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is

- 1 restricted as provided in subsection 1 of this section shall
- 2 notify any other person who rents, leases or loans a motor
- 3 vehicle to that person of the driving restriction imposed
- 4 pursuant to this section.
- 5 3. Any person convicted of a violation of this section 6 shall be quilty of a class A misdemeanor.
- 7 577.602. 1. If a court imposes a fine and requires the use
- 8 of an ignition interlock device for the same offense, the amount
- 9 of the fine may be reduced by the cost of the ignition interlock
- 10 device.
- 11 2. If the court requires the use of an ignition interlock
- device, it shall order the installation of the device on any
- vehicle which the offender operates during the period of
- 14 probation or limited driving privilege.
- 15 3. If the court imposes the use of an ignition interlock
- device on a person having full or limited driving privileges, the
- 17 court shall require the person to provide proof of compliance
- 18 with the order to the court or the probation officer within
- thirty days of this court's order or sooner, as required by the
- 20 court, in addition to any proof required to be filed with the
- 21 <u>director of revenue under the provisions of this chapter or</u>
- 22 chapter 302, RSMo. If the person fails to provide proof of
- installation within that period, absent a finding by the court of
- 24 good cause for that failure which is entered in the court record,
- 25 the court shall revoke or terminate the person's probation or
- 26 limited driving privilege.
- 27 4. Nothing in sections 577.600 to 577.614 shall be
- 28 construed to authorize a person to operate a motor vehicle whose

driving privileges have been suspended or revoked, unless the 1 2 person has obtained a limited driving privilege or restricted driving privilege under other provisions of law. 3

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- The person whose driving privilege is restricted pursuant to section 577.600 shall report to the court or the probation officer at least once annually, or more frequently as 7 the court may order, on the operation of each ignition interlock device in the person's vehicle or vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost of replacement of the device.
 - 6. The court may require a person whose driving privilege is restricted under section 577.600 to report to any officer appointed by the court in lieu of a probation officer.
 - The court shall require periodic calibration checks that are needed for the proper operation of the ignition interlock device.
 - 577.612. 1. It is unlawful for any person whose driving privilege is restricted pursuant to [section 577.600] the provisions of this chapter or chapter 302, RSMo, to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.
 - It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose

- driving privilege is restricted pursuant to [section 577.600] the provisions of this chapter or chapter 302, RSMo.
- 3 3. It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.
- 5 4. Any person who violates any provision of this section is 6 quilty of a class A misdemeanor.
- 590.050. 1. The POST commission shall establish 7 requirements for the continuing education of all peace officers. 8 9 Peace officers who make traffic stops shall be required to 10 receive [annual training] three hours of training within the law 11 enforcement continuing education three-hour reporting period 12 concerning the prohibition against racial profiling and such 13 training shall promote understanding and respect for racial and 14 cultural differences and the use of effective, noncombative 15 methods for carrying out law enforcement duties in a racially and

culturally diverse environment.

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- 2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.
- 3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.
 - 4. The director may engage in any activity intended to

Τ	further the professionalism of peace officers through training
2	and education, including the provision of specialized training
3	through the department of public safety.
4	Section B. The enactment of sections 385.400 to 385.436 of
5	this act shall become effective January 1, 2009.
6	Section C. The repeal and reenactment of sections 302.010,
7	302.060, 302.304, 302.309, 302.525, 577.023, 577.041, 577.600,
8	577.602, and 577.612 of section A of this act shall become
9	effective on July 1, 2009.
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